

For 1831
JOURNAL
James O. Beane
OF THE
SENATE

OF THE

STATE OF ALABAMA,

BEGUN AND HELD AT THE TOWN OF TUSCALOOSA, ON THE THIRD
MONDAY IN NOVEMBER, 1830.

BEING THE TWELFTH ANNUAL SESSION,

OF THE

GENERAL ASSEMBLY OF SAID STATE,

Tuscaloosa:

**PRINTED BY WILEY, M'GUIRE AND HENRY,
STATE PRINTERS.**

1831.

JOURNAL OF THE SENATE.

ON the fifteenth day of November, in the year of our Lord, one thousand eight hundred and thirty, being the third Monday in said month, and the day fixed by law for the meeting of the General Assembly of the State of Alabama, at Tuscaloosa, the following members of the Senate appeared in the Capitol, and took their seats: to wit,

From the Senatorial District, composed of the counties of	
Mobile, Washington and Baldwin,	John B. Hogan.
Monroe and Clarke,	Neal Smith.
Conecuh and Butler,	William Hemphill.
Henry, Pike, Covington and Dale,	William Irwin.
Wilcox and Marengo,	_____
Perry,	Richard B. Walthall.
Montgomery,	James Abercrombie.
Bibb and Shelby,	Thomas Crawford.
Madison,	_____
Jackson,	Samuel B. Moore.
Lawrence,	David Hubbard.
Tuscaloosa,	Levin Powell.
Jefferson and Walker,	John M. Dupey.
Greene,	Zachariah Merriwether.
Autauga,	William R. Pickett.
Dallas,	Horatio G. Perry.
St. Clair and Blount,	David Conner.
Lauderdale,	James Jackson.
Pickens, Fayette and Marion,	Rufus K. Anderson.
Morgan,	Jesse W. Garth.
Limestone,	William Edmondson.
Franklin,	Quin Morton.

On motion of Mr Jackson, Mr Morton was called to the Chair, and Francis S. Lyon was appointed Secretary of the Senate pro tem.

The Hon. William Hemphill, from the Senatorial District composed of the counties of Conecuh and Butler; James Abercrombie, from Montgomery; Neal Smith, from Monroe and Clarke; John M. Dupey, from Jefferson and Walker; William Edmondson, from Limestone; and Richard B. Walthall from Perry, elected since the last session of the Senate, were duly qualified by taking the oath prescribed by the constitution of the State, and by the act entitled an act to suppress the evil practice of duelling.

On motion of Mr Smith, the Senate then proceeded to the election of a President. Levin Powell, of Tuscaloosa, and Samuel B. Moore, of Jackson, being in nomination: For Mr Powell 8—Mr Moore 10.

Those who voted for Mr Powell are, Messrs Abercrombie, Anderson, Conner, Dupey, Edmondson, Jackson, Morton and Walthall.—Those who voted for Mr Moore are Messrs Crawford, Hubbard, Hogan, Hemphill, Irwin, Merriwether, Smith, Pickett, Perry and Garth.

The Hon. Samuel B. Moore having received a majority of votes, was declared to be duly elected President of the Senate; whereupon Mr Moore

was conducted to the chair, from whence he made his acknowledgements to the Senate, was qualified, and proceeded to the discharge of the duties of his office.

On motion of Mr Pickett, the Senate then proceeded to the election of a Secretary; and the election being conducted viva voce, and Francis S. Lyon having received all the votes present, was declared by Mr President to be duly elected Secretary of the Senate.

On motion of Mr Perry, the Senate then proceeded to the election of an Assistant Secretary, George W. Gayle and David Morton being in nomination. For Mr Gayle 10—Mr Morton 10.

Those who voted for Mr Gayle are, Mr President, Crawford, Garth, Hogan, Hemphill, Merriwether, Pickett, Perry, Smith and Walthall.—Those who voted for Mr Morton are, Messrs Abercrombie, Anderson, Conner, Dupey, Edmondson, Hubbard, Irwin, Jackson, Morton, and Powell.

Neither of the persons in nomination having a majority of votes, the Senate proceeded to vote a second time for an Assistant Secretary, the same persons being nomination, for Mr Gayle 10—Mr Morton 10

Those who voted for Mr Gayle are, Mr President, Crawford, Garth, Hogan, Hemphill, Merriwether, Pickett, Perry, Smith and Walthall.—Those who voted for Mr Morton, are Messrs Abercrombie, Anderson, Conner, Dupuy, Edmonson, Hubbard, Irwin, Jackson, Morton, and Powell.

On motion of Mr Pickett, *Ordered*, That the election of the assistant Secretary of the Senate be postponed till to-morrow.

On motion of Mr Smith the Senate then proceeded to the election of a door-keeper, James A. Bates, James Rather and George W. Terrill being in nomination. For Mr Bates 7—Mr Rather 11—and Mr Terrill 2 votes.

Those who voted for Mr Bates are, Mr President, Crawford, Hogan, Merriwether, Pickett, Smith and Walthall.—Those who voted for Mr Rather are, Messrs Abercrombie, Conner, Dupey, Edmondson, Garth, Hemphill, Irwin, Jackson, Morton, Powell and Perry.—Those who voted for Mr Terrill are, Messrs Anderson, and Hubbard.

James Rather having received a majority of votes, was declared by Mr President to be duly elected door-keeper of the Senate.

On motion of Mr Morton, it was *Ordered*, That a message be sent to the House of Representatives to inform that body that a quorum of the Senate has assembled; that the Hon. Samuel B. Moore has been elected President thereof; Francis S. Lyon, Secretary; and James Rather, door-keeper; and that they are ready to proceed to business.

Mr Pickett offered the following preamble and resolution: whereas, it is desirable that some mode should be adopted by the two Houses of the General Assembly of this State, so as to facilitate the despatch of public business; and whereas it is believed by the Senate, that an interchange of bills and joint resolutions on their respective readings, would in a great measure promote this desirable end.

Be it therefore Resolved, with the concurrence of the House of Representatives, that a committee of three members on the part of the Senate, and three members on the part of the House of Representatives be appointed, whose duty it shall be to enter into, and come to some mutual understanding as to the interchange of bills and joint resolutions, and to report the same for the consideration of their respective Houses, at as early a day as practicable, which was adopted; whereupon Messrs Pickett, Jackson, and Garth were appointed the committee on the part of the Senate.

Ordered, That the Secretary acquaint the House of Representatives therewith.

On motion of Mr Hubbard, *Resolved*, That the rules of order heretofore adopted for the government of the Senate, be regarded as the rules of or-

der and decorum for the government of the present Senate, until otherwise altered or rescinded.

And then the Senate adjourned till 10 o'clock to-morrow morning.

Tuesday, Nov. 16, 1830.—The Senate met pursuant to adjournment.

Mr Hrgan presented the petition of James G. Lyon, Clerk of the Circuit Court of Mobile county, asking compensation for certain extra services rendered* by him in the office of Clerk of said court, which was read and referred to a special committee consisting of Messrs Hogan, Walthall and Merriwether, to examine and report thereon.

A message from the House of Representatives by Mr Van Dyke, their assistant Clerk: Mr President—the House of Representatives have adopted the following resolution: to wit, *Resolved*, That the Senate be informed that the House of Representatives are now organized, and have elected James Penn, Esq. its Speaker; Thomas B. Tunstall, principal Clerk; T. Nixon Van Dyke, assistant Clerk; William B. McClellan engrossing Clerk, and John Tatum, door keeper; and are ready to proceed to business.

Resolved, That a committee be appointed to act with such committee as may be appointed by the Senate, to inform his excellency the Governor, that the two Houses are now organized and ready to receive any communication he may think proper to make; in which latter the concurrence of the Senate is requested. Messrs Mobley, Mardis and Moore of Madison, have been appointed said committee on the part of the House of Representatives.

Ordered, That the Senate concur in the resolutions from the House of Representatives, proposing the appointment of a joint committee, to wait on the Governor, and inform him of the organization of the two Houses of the General Assembly, and of their readiness to receive any communication he may think proper to make; whereupon messrs Morton, Pickett and Perry were appointed a committee on the part of the Senate: *Ordered*, That that the Secretary acquaint the House of Representatives therewith.

Mr Jackson presented the petition of Thomas Garner, an inhabitant of the county of Limestone, praying the passage of a law authorizing the Register of the Land Office at Courtland, to sell to him a certain tract of land which he occupies, and which was reserved from sale for the use of the contemplated canal around the Muscle Shoals in the Tennessee river; which was read and referred to a special committee, consisting of messrs Jackson, Morton and Conner.

Mr Jackson also, presented the petition of William W. Garrard of Lauderdale county, stating that he occupies and cultivates a tract of the land granted to this State by the General Government, for the improvement of the navigation of the Tennessee river, and which has been reserved from sale, and praying the passage of a law authorizing him to purchase said tract of land at the assessed value thereof, which was read and referred to a special committee consisting of messrs Jackson, Morton and Conner.

Mr Jackson also presented the petition of John Mundine and Thomas Kirkman, praying the passage of a law authorizing the Register of the Land Office at Courtland, to sell to them at their assessed value, certain lands which they occupy, and which have been reserved from sale for the use of the Tennessee canal, reserving the right to use such timber and stone as may be required for the canal; which was read and referred to a special committee, consisting of messrs Jackson, Crawford, and Hubbard.

On motion of Mr Smith. *Resolved*, That the following standing committee be appointed: to wit,

A committee of propositions and grievances;

- A joint committee on enrolled bills;
- A judiciary committee;
- A committee on privileges and elections;
- A committee on inland navigation;
- A committee on roads, bridges and ferries;
- A committee on county boundaries;
- A committee on accounts and claims;
- A committee on education;
- A committee on the state bank;
- A military committee;
- A committee on divorce and alimony;
- A committee on the state capitol, and
- A committee on the state printing.

Mr Crawford offered the following resolution: *Resolved*, That Alexander M. Robinson, editor of the Spirit of the Age, be admitted to a seat within the bar of the Senate, for the purpose of taking notes of the proceedings thereof, for publication; which was adopted.

Mr Pickett introduced a bill to be entitled an act, more effectually to secure trials in capital cases by impartial jurors; which was read and ordered to a second reading to-morrow.

Ordered, That fifty copies of the bill entitled an act more effectually to secure trials in capital cases by impartial-jurors, be printed for the use of the Senate.

Ordered, That fifty copies of the rules heretofore adopted for government of the proceedings of the Senate, be printed for the use of the members.

On motion of Mr Anderson, the Senate proceeded to the election of an assistant Secretary:—George W. Gayle and Daniel Morton being in nomination. For Mr Gayle 10—Mr Morton 10.

Those who voted for Mr Gayle are, Mr President, Crawford, Garth, Hemphill, Hogan, Merriwether, Perry, Pickett, Smith and Walthall.—Those who voted for Mr Morton are, messrs Abercrombie, Anderson, Conner, Dupuy, Edmondson, Hubbard, Irwin, Jackson, Morton and Powell.

Neither of the persons in nomination having received a majority of votes, Mr Anderson moved that the election be postponed till Monday next.

Mr Powell moved to amend the motion by adding the words, “and that the Secretary of the Senate be authorized to employ an assistant in the mean time if necessary; which was carried.

The motion to postpone the election till Monday next, as amended, was then agreed to.

Mr Smith offered the following resolution: *Resolved*, That a committee of two members be appointed to act jointly with such committee as may be appointed on the part of the House of Representatives, to procure stationary, fuel and other necessary articles for the present Legislature; which was adopted. Whereupon messrs Smith and Conner were appointed the committee on the part of the Senate.

Mr Morton, from the joint committee appointed to wait on the Governor, and inform him of the organization of the two Houses of the General Assembly, and of their readiness to receive any communication he might think proper to make, reported that the committee had performed the duty assigned them, and received for answer from the Governor, that he would make a communication in writing to the two Houses this day, at the hour of 12 o'clock.

A communication in writing was received from the Governor by J. I. Thornton, Esq. Secretary of State, which was read, and is as follows: to wit.

EXECUTIVE DEPARTMENT, TUSCALOOSA, NOV. 16 1830.

To the Hon. the Senate and House of Representatives:

FELLOW CITIZENS: I meet the representatives of the people in the discharge of those constitutional duties connected with the responsible station I occupy, with sincere congratulations, and I feel assured of their most cordial union in the grateful recollection of the cause which we have, as a *people*, for the renewed homage of our grateful acknowledgements to the great disposer of human events.

In casting our eyes over our section of Territory, we find the closing year marked by almost universal health, and each citizen in the enjoyment of all the necessities and comforts of life; and although we have experienced the effects of a severe drought in common with our fellow citizens elsewhere, which must greatly reduce our agricultural prospects; yet, we are consoled by the cheering prospect that the labors of the husbandman will be amply rewarded by the advanced price in the staple commodity of the country. In a more extensive survey, and one dear to the hearts of freemen, we find *our common country*, in her civil and political relations, in the full enjoyment of peace and security without and tranquillity within her limits; and that in common with ourselves, the hand of a benificent Providence is seen amply providing the means of enjoying happiness for all.

Permit me to assure the Representatives of the people, that this meeting with the Legislative body, brings irresistibly to my mind many of the most delicate associations; and not the last among them, the recollection of that extended gratitude for which I feel myself indebted to my fellow-citizens, for the liberality with which for so many years I have been honored with their public confidence, and the opportunity now given to exhibit a zeal in guarding the public welfare, corresponding in some degree with the first and strongest wishes of my heart.

While I find myself instructed by the constitution, that I fill a co-ordinate branch of the same important and responsible trust with yourselves, I may be permitted to congratulate you again, that the land-marks established by that instrument, are plain and distinct, and that whilst acting under it in the political affairs of the people, in guarding and protecting their rights by wholesome laws, we shall mutually feel that reciprocal confidence and honorable intent consistent with our stations, and which is found ultimately to secure the best interests of our constituents. In that instrument the great principles of liberty, and the legitimate means for its preservation are recognized and established—the line distinctly drawn between the three great departments of government, and the powers of each designated, whilst the voice of every sentence is a loud call on each department to labor with *fidelity* for the *public good*.

The framing of laws for the protection of persons and property and the advancement of the general welfare, is a task especially delegated to the Legislative body; and I am proud to say that I feel the strongest confidence, gentlemen, from some considerable knowledge of the talents and worth found in your present Assembly, that the character of our institutions, and ultimately of our section of the Union, will derive, from your joint labors, an impulse worthy to be recollected with public gratitude.

To the geographical advantages of our section of the Union we may look with high gratification, and anticipate justly the moment when a happy combination of events will unfold the natural advantages of our State so highly calculated to promote the prosperity of our citizens. May we not hope, gentlemen, from joint labors honestly directed to the glorious ends to promote equally the blessings of intelligence and sound moral habits among the people, and to disclose the agreeable truth so flattering to our patriotism, that our State will be no less distinguished for the liberal and enlightened policy of its councils?

In redeeming the pledge I have given by accepting the call of the people to fill the post of Chief Magistrate, and to watch over the public welfare, I feel myself irresistibly drawn to solicit the attention of the Representatives of the public interest, as far as their legitimate powers extend, to the great work of the *diffusion of knowledge among the people*. Always reminded of the pillars on which rest the fabric of civil liberty: viz. the *intelligence* and *virtue found in the body of the people*, it becomes a sacred duty in those who are called to provide for the general welfare, to

guard those points with a holy zeal. Where all legitimate authority emanates from the citizens, as in our happy form of government, we should tremble at even the anticipation of the unnatural union of ignorance and civil liberty: and when, gentlemen, we add that it is the sentence of the people that is final, not only on our labors, but on all the civil regulations of the State, the importance of education and intelligence is completely and unequivocally developed. For the body of the citizens to exercise that happy control over the acts of their public servants, deemed one of the most important features in our political system, they must be capable of appreciating not only their privileges, but their rights and duties: otherwise anarchy on the one hand, and a fearful invasion and destruction of public liberty on the other, would inevitably ensue.

The people must be competent to judge between an invasion of their liberties and the salutary restraints of order and law, or the first is but of ephemeral existence. To those illustrious men whose names are rendered as immortal as the annals of their country, so important was the light in which the *diffusion of knowledge amongst the body of the citizens* was viewed, that the compact between the original States and Territories will stand as a monument no less of their patriotic virtues, than of their enlarged views of sound policy—"religion, morality, and knowledge being necessary to good government and the happiness of mankind."

The course of the General Government has substantially proven, that those illustrious men were as sincere in their professions as profound in their policy. It remains for us, gentlemen, to give full effect to those noble determinations of the General Government, by the zealous discharge of those duties left for us on this important branch of legislation: and here, gentlemen, permit me to offer you my sincere congratulations, on the flattering progress and the general state of our literary institutions.—To the benevolent and patriotic mind, it cannot be otherwise than exhilarating to see the rapid advancement of seminaries for sound and enlarged education, spreading over our country: excellent schools suited to every capacity and means increasing daily; strongly evidencing that the fact is already impressed upon the mind that the *increase of knowledge is the best security for sound public morality*.

In addition to this view so gratifying, permit me to express my most agreeable anticipations, of the great advantages we may hope to derive from our State University, to the early commencement of the operations of which, we look with great solicitude: the edifices being now nearly completed, in a style, though not extravagant, yet altogether elegant, tasty and useful: the original plans and workmanship evincing the superintendence of architectural skill of the first order. Possessing as this institution does the most valuable endowments, and as it justly should, so great a share of the kind feelings and affections of our citizens of the State, it has created new claims to that affection and confidence of a character equally elevated, and in strict unison with the genius of other institutions, by the liberal spirit it has evinced to extend the benefits of education to even the humblest of our citizens in regard to pecuniary means. By the report of a committee of the Trustees of the University upon that subject, a copy of which it is made my duty as President herewith to present, it will be seen with what benevolent feelings and enlarged views, pointing to the improvement of the destinies of our fellow-creatures they are impressed, when they propose to educate, free of charge, a certain number of the youth of each county according to its population, whose circumstances in life would otherwise, perhaps, forever, exclude them from the light of knowledge, and circumscribe their usefulness by a sphere comparatively limited.

To the *principles* contained in that report, permit me to invite your attention, with the earnestness and zeal which their magnitude and consonance with republican principles, seem at once to claim and to justify. The adoption of such a plan will at least lend great facilities, if it does not indeed furnish the only effectual means, for realizing that splendid destiny of the institution which already exists in the hopes of its friends; and will make it, to adopt the language of the report, "what its name emphatically imports, the University of Alabama." It would also effectuate those liberal and enlarged views of the General Government, which its endowment was intended to subserve, by calling into active usefulness, those intellectual resources of the country, which otherwise might have remained undeveloped, and giving to

the poor, by an equal diffusion of the blessings of education, at once the intelligence necessary to appreciate their rights, and the power and voice to vindicate them in the councils of the nation.

While occupied in a deliberate survey of the many important interests of the State, and solicitous to give efficiency to such a course of legislation as will secure their present enjoyment and future permanency, it becomes us, as practical men, to look with an inquiring eye to those channels, through which the benefits of every law, how wise soever in its design, or politic in its tendency, must be eventually transmitted to the citizens at large. It is in vain that patriotism may guide our councils, or wisdom preside over our public acts, if any radical defects exist in the mode of administering the laws. And, perhaps, experience will justify the opinion, that from an injudicious organization of the courts of justice, results will sometimes be produced, apparently under the sanction of law, which both the spirit and letter of the law were designed emphatically to forbid. But the certainty of justice is not more important than its speedy attainment. That government would justly be looked upon as tyrannical, which should deny its remedial interference to even its humblest subject, when his rights were illegally invaded or withheld. But to protract those remedies, and make them consequent upon a long and precarious course of litigation, is in effect a denial of justice to those, whose pecuniary means, or pacific temper, may unfit them for the exigencies of such an enterprise. It is respectfully submitted to your sound discretion, whether the advantages expected to flow from a vigorous and speedy administration of justice, are secured to the people by the present structure of our courts; and whether that period indirectly adverted to by the constitution, has not in fact arrived? When it becomes our duty to lend to the administration of the laws, those ample facilities which in the opinion of many, would spring from the establishment of a separate Supreme Court, or a separate court having chancery jurisdiction.

In the event that a separate Supreme Court, or a separate Court of Chancery shall be established, it will be a subject well worthy your deliberation, whether, as the labors of the Circuit Judges will be much reduced and meliorated by this measure, it will not comport with the strict principles of justice, propriety, and economy, to modify that article in our constitution which restricts the Legislative power as to the number of counties with which to constitute a judicial circuit. I am clearly of opinion, if the arrangement to which I have referred shall be adopted, that the withdrawal of such an amount of labor and judicial investigation from the circuit court system, will fairly justify an enlargement of the circuits beyond the number of six counties to which at present their power is limited, and a curtailment of the number of circuit Judges. I cannot but believe the General Assembly may be safely entrusted with a discretion on the subject. Unless this view shall receive the sanction of the General Assembly, it is obvious, that as soon as legislation shall be extended over the country recently acquired, under the treaties made with the Chickasaw and Choctaw Indians, the number of our judicial circuits must be increased, and the expense of additional salaries for Judges incurred, without a corresponding increase of labor or judicial investigation being required at their hands.

In connexion with other means calculated to advance the prosperity and general welfare of the community, I have thought it my duty to bring to your notice our criminal code, and submit to the wisdom of the Legislature, whether the great objects of punishment will not be better attained by the establishment of a Penitentiary system.

I find our attention has been most clearly pointed to this interesting topic by the 19th Sec. of the 6th Art. under the head of general provisions in our constitution.—“It shall be the duty of the General Assembly, as soon as circumstances will permit, to form a penal code founded on principles of reformation, and not of vindictive justice.” Again, in Sec. 16, Art. 1, the declaration of rights—“excessive bail shall not be required, nor excessive fines imposed, nor cruel punishment inflicted.” In the like liberal spirit, the federal compact points emphatically to the protection of the personal rights of the citizen, as one of its prominent objects:—thus we find it forbidding the passage of bills of attainder, the suspension of the writ of habeas corpus;

the exaction of unreasonable fines, and the infliction of cruel and unusual punishments. These, gentlemen, we should receive as powerful admonitions to us, and great incentives to this work of humanity. Our criminal jurisprudence inflicts alike the punishment of death for the crime of forgery, however small and inconsiderable the amount involved, and *murder*, a crime of the highest magnitude known to the laws of civil society: thus by assigning to the minor shades of crime the punishment which is due only to the more aggravated cases, it furnishes cause of frequent impunity, where no doubt remains of the imputed guilt of the offender: for when the punishment bears no natural relation to the crime, the sense of its atrocity sometimes draws forth a sympathy for the culprit or offender, who seems to fall a victim, rather at the altar of revenge, than at the shrine of his country's good. And it seems now to be admitted by the wisest and greatest jurists, that the frequent occurrence of sanguinary punishments does not possess that efficacy in preventing an infraction of the laws, which induced their enactment: the grand object of punishment being to uphold the authority of the laws, and to prevent crimes by an appeal to the fears of men. If, in addition to the attainment of this desirable object, reformation can be annexed to the scheme, and the force of example made to operate on the offender himself, as well as to exert its influence upon society, so much the nearer have we approached to perfection. Believing as I do, that these great ends are more likely to be attained by the scheme of punishing crimes recognized by the penitentiary system, I have thought it my duty to recommend it to your favorable consideration.

In the exhibit which will shortly be presented of the operations of the State Bank during the past year, are contained the most indubitable evidences of its healthy and prosperous condition. It is a subject of proud felicitation to the people of our State, that while it has lent great facilities to commercial transactions, and obviated many cases of individual distress, its own credit, as an institution, is becoming daily more firmly established, and its additions to the revenue more considerable. Nothing would seem wanting in future to ensure its complete success, and to prevent a recurrence of those embarrassments with which it has been occasionally threatened, save a continuation of that wise and cautious direction of its affairs, and a supply of those aids which the confidence and affection of the people alone can give. Viewing it as an institution designed alike for the security and augmentation of the revenue, and for the accommodation of our citizens at large, without regard to sectional considerations, and believing that an impartial and more extensive diffusion of its benefits, while required by justice, would do much towards fortifying the favorable sentiments of the people, I feel imperiously bound to press upon the attention of the Legislature, the policy of establishing a Branch of our State Bank, or an Office of Discount and Deposit, in the southern section of the State, and also in that portion of country known as the Tennessee Valley. Whether such a dispersion of its funds, under prudent management, is not essential to the fulfilment of the designs entertained at its erection; and whether it be not, in some degree, connected with its security, are questions which seem scarcely to admit of a negative. From causes necessarily growing out of its restrictions to a single point, large districts of country, justly elevated to the scale of commercial importance, from the fertility of the soil and the industrious and enterprising habits of their citizens, may be emphatically said to be destitute of bank accommodation. The remoteness from the directory, frequently places it beyond their power to furnish those credentials of solvency and fair standing, which would be required by men executing that responsible trust; and all other difficulties removed, the expenses incident to an acquisition of its favors, are so onerous, as to detract greatly from, nay, totally destroy the value of the benefit. Hence our people in sections of the State not very remote, have been compelled to look to other sources of relief for their pressing wants: and have been made, however unwillingly, to contribute their aid to increase the funds and fortify the power of other and rival institutions, instead of our State Bank, for the public good. The profits thus paid by our citizens does not pass into our State Bank, which would finally result to the advantage of the people of the State; but into the coffers of stockholders of a banking establishment, a large portion of whom are citizens of foreign governments, and who cannot be presumed to cherish any farther

regard for our country or its institutions, than the pecuniary advantages those individuals may be able to derive from their existence.

The Bank of the State of Alabama, justly the favorite institution of its citizens, is founded on capital stock purely the property of the people. Its concerns have been ably managed by citizens residing in the vicinity of its location, without compensation, and with that scrupulous fidelity which entitles the institution to public confidence. The reports made by joint committees at each session of the General Assembly, after the most rigorous investigation of its banking operations, prove most decisively the fidelity, industry, and capacity with which those operations are conducted. In accordance with the provisions of the act entitled, an act to increase the capital of the Bank of the State of Alabama, passed in 1828, authorizing one hundred thousand dollars of State stock to be disposed of, and the proceeds to be added to the capital stock of the Bank, I have the satisfaction to inform the Legislative body, that the sum has been obtained from the Phoenix Bank of New York, without incurring the expense of an agency, and which sum, by the arrangements entered into, is made payable to the drafts of the cashier of the Bank of the State of Alabama, and consequently will command in favor of our institution a *fair banking premium*. I feel it but an act of justice to acknowledge the agency of the President of our State Bank, the Comptroller, and State Treasurer, in this economical arrangement, so highly favorable to our State institution, and through whose agency the transaction has been principally negotiated.

While in the discharge of Executive duties, and calling the attention of the Legislative body to such portion of our political affairs as more immediately relate to the public welfare, I find myself compelled to point the attention of your body to the propriety of instructing the Representatives of our State in the Congress of the United States, to oppose the renewal of the present charter of the Bank of the United States; or if renewed, to call most determinedly for such restrictions as will prevent the establishment of branches in any State without the consent of such State. That this mammoth institution has long been a just subject of alarm to a portion of our best informed and patriotic citizens, remains not *now* questionable. Cherished, fattened, and its powers enlarged by the constant deposite of all the revenue of the United States, the possession annually of more than twenty millions of dollars added to the capital of this institution, with its branches or arms extended over and through every State in the Union, must give a power under certain directions, over our State institutions, not only unfriendly to their healthy existence, but our State sovereignty itself. Of its capacity for crippling, nay, for crushing our State institutions of a similar kind, we have had sufficient proof. Whatever may be its imposing claims of a beneficial kind, not only its branches, but the parent bank, have fully exhibited to the country that it possesses every quality of similar monied institutions, with a power far beyond any, or, indeed, all of them, of doing evil. That this institution gives directly an immense power of patronage to the Government of the United States, and even to individuals high in office in that Government, cannot be questioned. That this patronage and power is of a kind that may be readily and effectually directed in a manner hostile to our State sovereignty, and made subservient to an accumulation of power never intended to be given or exercised, is equally evident. "Give us patronage and we will get power," was a reply that political discretion and that holy jealousy, with which the citizens of a republic ought forever to regard the movements of even legitimate power, and ought to record as a land mark to guide them in their political course. Add money to patronage, and such is the state of human affairs, that the power and success of the latter becomes effectual. Whilst we make the acknowledgement with regret, it would be worse than ignorance to shut our eyes to the sheer truth: let us then be admonished by the example of other nations who have gone before us, and arrest the evil before it is overwhelming. After all that can be said of this monied institution, by its warmest advocates, as necessary to our Federal Government, what is it but a tremendous machine, which takes in a vast portion of the products of the laboring classes, devouring the substance of the *poor* to pamper overgrown wealth; an indirect tax upon national industry, appropriated to the *pockets of idle stockholders and unproductive capitalists*. It is a matter of his-

torical record, that at the birth of this institution, and at its resuscitation, it had to encounter the marked opposition of many of the first patriots and sages of our country: and the very objections, as far as I have been able to learn, that were urged by those solid politicians, with an almost prophetic spirit, have since been *but too fully realized*; the visionary nature of which were loudly urged by the warm advocates of the bank.

I cannot close this communication on the subject of our banking institutions, without again adverting to the circumstance of the performance of the duties of the Directors of the State Bank, without compensation. In the infancy of the Bank, it was doubtless prudent not to burthen it with an expensive administration; and in its greatest prosperity it is not intended to intimate that a rigid economy should not prevail. The public, however, ought not to wish the services of a body of its citizens, to be rendered for a series of years, without compensation. The Bank is now in a condition to pay for its administration out of its profits; the propriety of providing a mere nominal compensation, sufficient only to indemnify for the actual expense incurred whilst engaged in the performance of directory duties, is respectfully submitted to your consideration.

It is, perhaps, proper, and due to the gentlemen who compose the directory, that I should state, I am not aware that in this particular I have anticipated the wishes of any gentleman, and have no doubt their unbending patriotism will still prompt them to the ready and faithful discharge of those duties, without regard to personal sacrifice.

It affords a subject of public congratulation, that the commencement of that great national work, the Muscle Shoals Canal, is about to take place under the most favorable auspices. Contracts for the entire completion of the work within two years, from Florence to Waterloo, where the lowest obstruction is found, have been closed on terms more favorable than the most sanguine expectation authorized us to anticipate. A sufficient assurance is given, that the contractors are of respectable standing, practical skill, undoubted solvency, experience and energy. The amount to be expended by these contracts comes within the estimate of the Engineers of the United States; whose report upon this interesting topic, I herewith transmit. We feel justified in anticipating the like favorable results, as regards the operations above Florence, and consequently in cherishing the sanguine calculation, that all the highly important advantages contemplated by this great work of Internal Improvement, involving the commercial interest of at least six sister States of this Union, will be ultimately realized, and the great objects finally consummated.

I feel fully aware that the proposed Canal connecting the waters of the Alabama river with those of the Tennessee, will claim a due proportion of your Legislative deliberations. It is upon great national objects of Internal Improvement, judiciously selected, and partaking truly of national character, the benefits of which are to be widely diffused, and not *circumscribed to a limited sphere* of operations, that we have a right to anticipate the fostering hand of the General Government in contributing their aid in consummating them.

I have been recently advised by a communication addressed to the Executive Department, from the commissioners appointed by the act of last session, entitled "an act appointing commissioners to mark out a road through that part of Pike county now occupied by the Creek Indians, and for other purposes," that the commissioners, while attempting a fulfilment of the objects of that law, were compelled to desist from a further prosecution of the work, by a large body of armed Indians. Although regarding this act of resistance to a power legally delegated, in the only light in which it could be viewed, as an outrage without pretext or palliation, impugning alike the dignity and authority of the State, yet the delicate relation subsisting between us and the actors in this lawless proceeding, the feelings of mutual jealousy and exasperation of which it has been a too fruitful source, and still more, a regard for that domestic quiet which is best preserved by a peaceable execution of the laws when practicable, furnish strong and to my mind not unworthy reasons, for withholding for a time the direct application of that physical force of which the Executive has been made the constitutional depository. To minds unimproved, and rendered unduly sensitive to injury from questions arising out of their local situation, it might be difficult to separate the idea of oppression from the lawful and prudent execution

of the powers of government in a mode that to them was unusual. And although the employment of force may, under particular exigencies, become indispensable in securing the great objects of social life, yet it is to be regretted, and always involves in some degree a mortifying confession of the inadequacy of those moral powers and pacific maxims, in the due cultivation of which alone government can expect to lay the foundation of its solid strength and permanent glory.

It is but a just exposition, however, of the motives by which I was actuated in declining an immediate interference, to say, that had this violation of our laws occurred at a period when a ready appeal could not have been made to a co-ordinate branch of the government, no consideration of policy of this character, how ready soever to obtrude itself, would have weakened the sense of obligation, which claimed from me the discharge of a conscientious duty. The stern and unbending execution of the laws when confided to a public functionary, has ever been esteemed by me a duty of too responsible a character, to find any obstacle in a speculative opinion of the policy of the country; if it were possible that an injury of any serious extent or long duration could result from its neglect. But hopes were entertained from the early period at which your honorable body would assemble, after the receipt of the information before alluded to, that your wisdom might provide some means of obviating the evil complained of, and render unnecessary any act which the most fastidious might deem equivocal or objectionable; and that your aid would be furnished to sustain the authority of the laws without violating, or seeming to violate, those engagements of humanity which appertain to all whom the chances of fortune have placed in our power. As a means of removing any future inducement or pretext for opposition to those laws, the policy of which cannot, in the growing condition of our country, be abandoned without a corresponding abandonment of its best interest, I submit to the wisdom of the General Assembly, whether a regard to self preservation on the one hand, and to justice and humanity on the other, does not recommend such a course of legislation towards the Indians, included within the chartered limits of our State, as would subject them to the same civil duties with the rest of our citizens, and place them on the same level with regard to rights and privileges; in other words, as would extend to them the character and appellation of citizens, with all their train of immunities and obligations. Simple justice would seem to dictate, that they should not be exempt from contributing their fair quota of labor, or other means, to the accomplishment of those necessary works in the benefits of which they participate equally with us. Besides, as the violations of law under such a state of legislation, if at all occurring, would most probably be repressed in the punishment of *individual* delinquencies, the arm of state authority would only be seen as it employed the ordinary engines of remedial justice, and all recourse might be rendered unnecessary to those more violent means, which, in the pursuit of the best ends, could hardly fail to alarm the too jealous fears of our red brethren, and to disturb the quiet and repose of our own citizens.

As a subject not only important in itself, but closely connected with the legislation of the country, I feel it my duty to bring to your notice the present unfinished and exposed state of our State Capitol. For nearly twelve months past, this work, the pride of our State, the admiration of strangers, and susceptible of being made an enduring monument of scientific skill of its projector, and of the public spirit of his patrons, has undergone a total suspension. On its present condition it is unnecessary to dilate: that is visible to the eyes of all. It is respectfully submitted to your impartial judgement, whether it would not be advisable to prosecute the work to completion, in the like liberal spirit with which it was commenced: or should an expenditure of this amount be deemed by your honorable body incompatible with the present pecuniary resources of the country, whether a proper regard to the strict principles of economy, in the prospective completion, does not imperiously recommend such improvements as may be necessary to arrest the inevitable dilapidation of time. A small, very small, appropriation for that purpose, and such as could not in any manner embarrass the financial operations of the State, or add a perceptible weight to the burthens of the people, (against which it will be your duty carefully to guard,) might still be most beneficially felt as auxiliary to an accomplishment of those designs, from which so much convenience has resulted to our public officers, and so much honor to the State.

It will be recollected that Congress will, at the ensuing session, act upon the late census, in establishing the ratio by which the representation of the different states will be regulated for the ensuing term of ten years. I would submit to the wisdom of the General Assembly the propriety of adopting a prospective arrangement in relation to the formation of the new congressional districts, in anticipation of the new ratio to be established under this census, by which means, the necessity of having an extra or called session of the General Assembly may be precluded.

In pursuance of a resolution of the House of Representatives, adopted at the last session of the General Assembly, I severally addressed the Executives of all the States, in which the Penitentiary system has been adopted, requesting such practical hints on the subject of Penitentiaries, or houses of correction, as their operation within the states over which they presided, might enable them to impart, particularly in reference to the following heads: 1, Their construction and government. 2, What desirable modifications of the criminal laws have they been the means of introducing, or rendering practicable? 3, Has their effect upon the revenue of the country been beneficial or otherwise? 4, How far have they tended to diminish the amount of crime, and what influence have they exerted on the morals of the community at large?

In reply to this address I have much satisfaction in communicating to you, that I have received prompt replies from the Chief Magistrates of the States of New-York, Pennsylvania, Connecticut, Maine, &c. in which this system has been put in operation, accompanied by sundry important public documents, furnishing a mass of information, having a direct application to this important subject, which doubtless will be viewed as imparting ample light, to conduct your deliberations to the best results. These documents have been transmitted to the House of Representatives, they being too voluminous to be copied. Also, sundry public documents received from the Executives of several States, among which will be found certain resolutions proposing amendments to the constitution of the United States, as relates to the mode of electing the President and Vice President. Resolutions in support of, and in opposition to the Tariff acts, imposed by Congress, &c. And here I may be permitted to say, with great diffidence, that whilst I feel as strongly impressed as most men, that this measure, which has so generally filled the citizens of the south with alarm and dismay, is oppressive, partial, and unjust in its operation, and that its modification is to be sought by every constitutional means. Yet I would submit to the wisdom of your honorable body, whether this be a propitious moment for the councils of Alabama, to adopt measures calculated to add to the state of excitement which already exists upon this subject; and whether the crisis does not rather call for a temperate, though firm and decisive appeal to the justice and magnanimity of the General Government, for a further relaxation in the operation of this odious and impolitic system. And here, gentlemen, permit me to suggest, that it may not be improper that legislative guards should be interposed to alleviate the suffering imposed by this ungenerous and unkind policy, by recommending to our citizens the adoption of a system of domestic industry, the beneficial effects of which cannot fail speedily to develop themselves, under the mild influence of our climate, and with the aid of a soil so infinitely diversified, as to be friendly to every agricultural pursuit, and to the production of almost every raw material. Recent experiments have evinced demonstratively, the adaptation of the southern sections of our State, to the culture of sugar, and of the north as well as the south to the growth of the vine. And, it is believed, from the concurrence of many favorable causes, that the industry of a portion of our citizens admits of an advantageous diversion to the raising of silk and wool. Nor would the advantages of thus exploring new channels of industry, be confined to such as might chance, from their experience or enterprise, to be engaged in them. The ulterior effects of judiciously diversifying the objects of labor, I am persuaded, would be most sensibly and beneficially felt by the growers of the great southern staple, from the subtraction of so much industry from a pursuit already in some degree trammelled and paralyzed by too great competition.

Whilst we acknowledged the liberality of the General Government, and the advantages afforded to a portion of our citizens by its course of legislation at the last

session of Congress, with respect to the public lands, we cannot but regret that the law should have been limited to so short a period with regard to occupants, and that so far as it was designed for the relief of purchasers, any cause should exist to charge it with a partial operation. It (as all must admit) the lands which were sold for more than fourteen dollars per acre, were sold for a price greatly above their value, it is equally true, that the poorer lands selling at a less price, did, under the same excitement, command from the purchaser, as much above their true value as the rich lands; and it is believed that the liberal spirit in which the Government acted in giving a patent to purchasers, for what had already been paid on high priced lands, should be invoked in behalf of the poorer classes of our citizens, who have paid equally high in proportion for poorer lands. It is also with profound regret, that the citizens of our section of the Union, have beheld the failure of the bill to graduate the price of public lands, &c. So flagrantly apparent must be this measure, connected with the prosperity of the citizens of this section of the Union, so absolutely necessary for the public welfare, and so equally a sound policy in the General Government, that I cannot avoid suggesting to the legislative body, the propriety of an energetic appeal to the Government of the Union on this important subject. If the solid wealth and strength of a nation consist, not in acres of land in the public domain, nor dollars in its coffers, but in the prosperity, happiness, and independence of a brave, high minded and patriotic yeomanry, then I must hope the wisdom of the General Government will sooner or later listen to the representatives of the people on this important topic.

It would require a suppression of feeling of which I find myself totally incapable, to omit congratulating the legislative body on the late triumph of *liberal principles and the rights of man*, in a nation to whose welfare the American people can never become indifferent. To the world that nation has now presented a sublime moral spectacle, as unexpected as it is grand; and it is no improper recollection for a just national pride, that the immortal founders of our republic gave the first impetus to political principles, and a theory of government founded on the sacred and imperishable rights of man, that must sooner or later prevail over the degrading and unjust monarchies and despotisms of the globe; nor can we restrain the most delicate sensations of national sensibility, on a recollection of the great and good man who has borne such a conspicuous part in the regeneration of France. 'The nation's guest' has fairly redeemed the pledges given through a long and meritorious life, of his sacred devotion to *liberal principles and the rights of man*: and it is with national delight we behold the Patriarch of La Grange, the adopted son of Columbia, the father of his country, the companion and friend of Washington, pass on through the evening of his eventful days, surrounded with a halo of virtue and glory.

The Honorable Lewis Marshall having resigned the appointment of Judge of the County Court of Dickens, that vacancy has been filled by the appointment of Charles M. Holland. I have received the resignations of John Elliott, and Jesse Vanhooze, Esqs. as Trustees of the University of Alabama.

Although some topics of acknowledged importance have been adverted to in a cursory manner, it is not supposed that your duties will be limited to the objects enumerated, or that the views I have felt it my duty to take, will be regarded as land-marks, from which it would be improper and indecorous to depart. Coming immediately from the body of the people, you are supposed to bring with you, to the task of legislation, an intimate knowledge of all their wants and desires, as well as a devotion to their welfare. To your wisdom I cheerfully commit the sacred deposit, knowing it will be guarded with a vigilance proportioned to its worth: and shall only add, my zealous desire and exulting hope, that the labors on which you are now entering, may be long felt and acknowledged, by our common country, as monuments of your wisdom, fidelity, and patriotism. GABRIEL MOORE.

Wednesday. Nov. 17, 1830.—The Senate met pursuant to adjournment.

Pursuant to an order of the Senate, Mr President reported the following standing committees:

A committee on propositions and grievances, to consist of Messrs Pickett, Powell, Walthall, Jackson, and Merriwether.

A joint committee on enrolled bills, to consist of Messrs Powell, Edmondson, Garth, and Hemphill.

A judiciary committee, to consist of Messrs Perry, Garth, Hubbard, Anderson, and Crawford.

A committee on privileges and elections, to consist of Messrs Smith, Perry, Merriwether and Abercrombie.

A committee on inland navigation, to consist of Messrs Walthall, Dupuy, Jackson, Smith and Conner.

A committee on roads, bridges, and ferries, to consist of Messrs Edmondson, Morton, Hemphill, Pickett, and Irwin.

A committee on county boundaries, to consist of Messrs Abercrombie, Crawford, Walthall, Irwin, and Merriwether.

A committee on accounts and claims, to consist of Messrs Merriwether, Hemphill, Jackson, Garth, and Morton.

A committee on the state bank, to consist of Messrs Hogan, Garth, Powell, Perry, and Jackson.

A committee on education, to consist of Messrs Crawford, Morton, Hubbard, Anderson, and Merriwether.

A military committee, to consist of Messrs Irwin, Garth, Hogan, Pickett, and Conner.

A committee on divorce and alimony, to consist of Messrs Garth, Conner, Perry, Morton, and Dupuy.

A committee on the state capital, to consist of Messrs Hubbard, Hogan, Edmondson, Powell, and Anderson.

Mr Hubbard presented the decree of the circuit court of Lawrence county, exercising chancery jurisdiction, divorcing Eliza Boalt from Lewis Boalt; which was referred to the committee on divorce and alimony.

Mr Perry presented the petition of William Barnett, and of Thomas Andrews, praying authority to emancipate certain slaves; which were read and referred to a special committee, consisting of Messrs Perry, Irwin, and Merriwether, to examine and report thereon.

Mr Irwin presented the petition of sundry inhabitants of Henry county, praying that a forfeiture taken against Fair Pynes, as the security for the appearance at court of one Holden Dunn, may be discharged and released; which was read and referred to the committee on propositions and grievances.

Mr Hubbard presented the account of Robert C. Handley, against the State, for apprehending and prosecuting to conviction, a certain James Eiy, for the crime of horse stealing; which was referred to the committee on accounts and claims.

Mr Irwin presented the account of John Killion against the State; which was referred to the committee on accounts and claims.

Mr Morton presented the petition of William Meniffee, praying authority to emancipate a certain slave; which was read and referred to a special committee, consisting of Messrs Morton, Anderson, and Perry.

Mr Jackson presented the petition of Joshua Harden, an invalid, praying authority to hawk and peddle, without the expense of taking out a license; which was read and referred to the committee on propositions and grievances.

Mr Edmondson presented the report of the commissioners, appointed pursuant to "An act to appoint canal commissioners, for the improvement of the navigation of Tennessee river, and for other purposes," passed 15th January, 1830, made in obedience to a provision of that act; which was ordered to lie on the table.

Ordered, that one hundred copies of the report be printed for the use of the Senate.

Mr Anderson introduced a bill to be entitled an act to alter and amend the laws of usury; which was read and ordered to a second reading to-morrow.

Mr Perry offered the following resolution:

Resolved, That Thomas H. Wiley, editor of the Alabama State Intelligencer, be permitted to take a seat within the bar of the Senate, for the purpose of taking notes of the proceedings thereof for publication.

Mr Hubbard introduced a bill to be entitled an act to amend an act entitled an act, to enable the State of Alabama to sell and dispose of certain lands therein named; which was read and ordered to a second reading to-morrow.

Mr Anderson introduced a bill to be entitled an act to change the name of Henry Dudley; which was read and ordered to a second reading to-morrow.

Mr Dupuy introduced a bill to be entitled an act to authorize Thomas A. Heard, of Walker county, to erect a mill and other water works on the Black Warrior river; which was read and ordered to a second reading to-morrow.

Mr Powell introduced a bill entitled an act providing for the completion of the state capitol; which was read and ordered to a second reading to-morrow.

Mr Hogan introduced a joint memorial to the Congress of the United States, asking a donation of lands to connect the waters of Tennessee with those of the Coosa river, by means of a canal; which was read and ordered to a second reading to-morrow.

Mr Pickett introduced a bill entitled an act to appoint commissioners to select a site for their seat of justice, in the county of Autauga; which was read and ordered to a second reading to-morrow.

Mr Perry offered the following resolution: *Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of establishing a separate supreme court, and that they have leave to report by bill or otherwise; which was adopted.

The Senate having no further business before them, adjourned till 10 o'clock to-morrow morning.

Thursday, Nov. 13, 1830.—The Senate met pursuant to adjournment.

Mr Powell presented the account of Elias Jenkins, sheriff of Tuscaloosa county, against the State; which was referred to the committee on accounts and claims.

Mr Irwin offered the following resolution: *Resolved*, That a standing committee be appointed on Indian affairs; which was adopted—Whereupon messrs Irwin, Hubbard, Perry, Abercrombie, and Conner were appointed the committee.

Mr Walthall offered the following resolution: *Resolved*, That a committee be appointed to draft a suitable memorial to the Congress of the United States, upon the subject of the disposition of the public lands; which was adopted; Whereupon a committee was appointed to consist of messrs Walthall, Hubbard, and Smith.

Mr Anderson offered the following resolution: *Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of forming an additional judicial circuit; which was adopted.

Mr Anderson offered the following resolution: *Resolved*, That the committee on propositions and grievances, be instructed to inquire into the ex-

pediency of reducing the taxes of this state; which was ordered to lie on the table.

Mr Hemphill offered the following resolution: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of abolishing the present system of county courts, and of establishing a court of probate; which was adopted.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have adopted the following preamble and resolutions, in which they request the concurrence of the Senate: “Whereas, the confidence which the citizens of the State of Alabama reposed in the wisdom and patriotism of Andrew Jackson, induced them to yield him their almost undivided voice for the Presidency of the United States; and whereas, his administration has been such as to justify their high expectations, and to enable them to realize all their anticipations, that he would pursue such a course of policy as would advance the interest, and redound to the glory of our common country; and whereas, it is believed that the General Assembly would perform an acceptable service to their constituents, to recommend him to the good people of the United States for re election.

Be it therefore resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That their confidence in the fitness of Andrew Jackson for the office of President of the United States, is increased and strengthened by the republican principles he has introduced into his administration by the measures he has recommended, and by the just and elevated views he has from time to time presented of the true policy of the Government.

Be it further resolved, That in their opinion, the best interest of the Union requires his re election; and they, therefore, recommend him to the other States of the Union, for the office of President after his present term shall expire.

And be it further resolved, That the very able, firm and patriotic course pursued by Andrew Jackson, President of these United States at the last session of Congress, in opposition to the passage of the Maysville road bill, and others of like character, requiring appropriations from the Treasurer of the United States for local objects of internal improvement, justly entitles him to the highest respect and gratitude of all friends to liberty and free government.”

On motion of mr Hubbard, *Ordered*, that the preamble and resolutions be referred to a special committee, whereupon messrs Hubbard, Petty, Hemphill, Garth and Jackson were appointed the committee.

Mr Pickett offered the following resolution: *Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of providing by law for a more summary and expeditious mode of bringing slaves and free persons of color to trial when the offence is of a nature affecting life; which was adopted.

Mr Abercrombie introduced a bill entitled an act to prevent the citizens of this State from being sued in civil cases, before any justice of the peace out of the beat in which they may respectfully reside; which was read and ordered to a second reading to-morrow.

Mr Anderson introduced a bill entitled an act for the relief of Polly Caperton, wife of Hugh Caperton; which was read and ordered to a second reading to-morrow.

Mr Garth introduced a bill entitled an act for the relief of certain occu-

pants of lands in the counties of Morgan and Madison; which was read and ordered to a second reading to-morrow.

Mr Irwin introduced joint resolutions to authorize the Brigadier General commanding the 11th brigade of Alabama Militia, to order out such troops as may be necessary to protect the overseer and commissioners appointed to mark out a road through Pike county to the Chatahoochie, against the resistance offered by the Indians; which was read and ordered to a second reading to-morrow.

Mr Hogan, from the special committee to which was referred the petition of James G. Lyon, clerk of the circuit court of Mobile county, reported a bill for his relief; which was read and ordered to a second reading to-morrow.

A bill to be entitled an act more effectually to secure trials in capital cases, by impartial jurors, was read the second time. Mr Hubbard offered the following amendment to the bill: "*And be it further enacted*, That hereafter it shall not be lawful for any defendant, on trial for any offence made capital by law, committed after the passage of this act, to challenge more than twelve jurors, without showing good and lawful cause for such challenge." On motion of Mr Perry. *Ordered*, that the bill, together with the proposed amendment, be committed to the committee on the judiciary.

A bill to be entitled an act to appoint commissioners to select a site for the seat of justice in the county of Autauga, and for other purposes, was read the second time and committed to a special committee, consisting of messrs Pickett, Hubbard and Crawford.

Joint memorial to the Congress of the United States, asking a donation of lands to connect the waters of Tennessee with those of the Coosa river, by means of a canal, was read the second time, and referred to a special committee, consisting of messrs Hogan, Perry and Jackson.

A bill to be entitled, an act providing for the completion of the State Capitol, was read the second time and referred to the committee on the State Capitol.

A bill to be entitled an act to authorize Thomas A. Head, of Walker county, to erect a mill and other water works on the Black Warrior river; and an act to change the name of Henry Dudley, were severally read the second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled, an act to amend an act entitled an act to enable the State of Alabama to sell and dispose of certain lands therein named; was read the second time and ordered to lie on the table.

A bill to be entitled, an act to alter and amend the laws of usury; was read the second time and referred to the committee on the judiciary.

Mr Morton introduced a bill entitled an act to authorize the register of the land office at Courtland, to correct mistakes in the prices of lands; which was read and ordered to a second reading to-morrow.

Mr Powell introduced a bill entitled, an act requiring the Governor to reside at the seat of Government; which was read and ordered to a second reading to-morrow.

Mr Hogan offered the following resolution: *Resolved*, That the military committee be instructed to inquire into the propriety of paying the officers of the militia of this State, when ordered to attend general courts martial, out of the county in which they reside; which was adopted.

On motion of Mr Walthall, the annual communication of the Governor of the 16th inst. was taken up and committed to a committee of the whole, and made the order of the day for Saturday next.

Mr Perry on account of indisposition, asked to be excused from serving

as chairman of the committee on the judiciary; which was agreed to, and Mr Hubbard was appointed chairman of that committee in his stead.

The Senate having no further business before them, adjourned till 10 o'clock to-morrow.

Friday, Nov. 19, 1830.—The Senate met pursuant to adjournment.

Mr John Vining, a Senator, elected from the county of Madison, appeared, produced his credentials, was qualified, and took his seat.

Mr Hogan presented the petition of Fermin Frenier, praying the passage of a law authorizing him to emancipate a certain slave; which was read and referred to a special committee, consisting of messrs Hogan, Perry and Irwin.

Mr Powell presented the following communication, from the President of the Bank of the State of Alabama:

BANK OF THE STATE OF ALABAMA,

TUSCALOOSA, NOV. 16, 1830.

To the Hon. President of the Senate.—SIR: Agreeably to the provisions of the 12th section of an act of the General Assembly, entitled, "An act to establish the Bank of the State of Alabama." I have the honor to lay before that branch of the General Assembly over which you preside, the annual statement in relation to said Bank, to wit:

Capitol Stock of the Bank.....	\$595,503 22½	
Notes in Circulation.....	620,015 00	
Money on Deposit.....	285,989 59½	
Debts due the Bank on Notes discounted....	\$749,625 22	
Do. on Bills of Exchange....	297,587 75	} 1,249,843 85½
Do. from other Banks.....	262,830 88½	
Cash in Specie.....	104,619 66½	} 260,767 66½
Cash in Notes of other Banks, (principally of the United States' Bank and Branches)...	156,088 00	
Property, real and personal.....	10,657 16	

For the further information of the General Assembly, I beg leave to communicate the accompanying documents, marked A. B and C. which exhibit the result of the operations of this institution for the last year, ending the 5th inst., all of which is respectfully submitted.

By order of the Board. JNO. L. TINDALL, *President, &c.*

Ordered, That the report lie on the table, and that three hundred copies thereof, together with the accompanying documents, be printed for the use of the Senate.

Mr Powell also presented a report from the Cashier of the Bank of the State of Alabama, shewing the receipts and disbursements of the funds subject to the order of the President and Directors of the board of internal improvement, made in conformity to the provisions of the 8th section of the act to establish a board of internal improvement for the State of Alabama, approved 15th January, 1830.

Ordered, That the report lie on the table, and that one hundred copies thereof, be printed for the use of the Senate.

Mr Morton from the special committee to which was referred sundry petitions on the subject, reported a bill to be entitled an act to manumit certain slaves therein named; which was read and ordered to a second reading to-morrow.

Mr Pickett, from the committee on propositions and grievances, to which was referred the petition of Joshua Harden, reported a bill for his relief, which was read and ordered to a second reading to-morrow.

Mr Pickett from the same committee submitted the following report:

The committee on propositions and grievances to whom was referred the

petition of sundry citizens of Henry county, praying the legislature to remit the amount of a judgment which the State obtained against Fair Pynes, as security under recognizance for the appearance of a certain Holden Dunn, beg leave to report: That they have had the same under consideration, and have come to the conclusion that the Governor of the State possesses the power to remit all oppressive grievances of the kind; your committee, therefore, deem it inexpedient to legislate on the subject.

On motion of Mr Irwin, *Ordered*, that the report lie on the table.

Mr Hubbard, from the committee on the judiciary, to which was referred a bill to be entitled an act more effectually to secure trials in capital cases by impartial jurors, reported the same as amended. *Ordered*, that the bill and report lie on the table.

Mr Irwin offered the following resolution: *Resolved*. That the committee on the judiciary be instructed to inquire into the expediency of authorizing the county courts to make compensation to sheriffs, in like manner as judges of the circuit courts are authorized to do under the act of 1828, extending the jurisdiction of the State of Alabama over the Creek Indians; which was adopted.

Mr Pickett, from the special committee to which was referred a bill to be entitled an act to appoint commissioners to select a site for the seat of justice in the county of Autauga, and for other purposes, reported the same as amended, which was concurred in. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to-morrow.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have indefinitely postponed the resolution of your honorable body, proposing an interchange of bills and joint resolutions on their respective readings.

Mr Dupuy introduced a bill to be entitled an act to run and mark out the line from Hartgrove's old place to Dunn's old place, between the counties of Jefferson and Blount; which was read and ordered to a second reading to-morrow.

Engrossed bills entitled an act to change the name of Henry Dudley, and an act to authorize Thomas A. Heard, of Walker county, to erect a mill and other water works on the Black Warrior river, were severally read the third time and passed.

Ordered, that the titles of the bills be as aforesaid, and that they be sent to the House of Representatives for their concurrence.

A bill to be entitled an act requiring the Governor to reside at the seat of government, was read the second time, and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to authorize the register of the land office at Courtland to correct mistakes in the prices of lands, was read the second time, and referred to the committee on propositions and grievances, to consider and report thereon.

A bill to be entitled an act for the relief of Polly Caperton, wife of Hugh Caperton; and. An act to prevent the citizens of this State from being sued in civil cases before any justice of the peace out of the beat in which they may respectively reside; were severally read the second time, and committed to the committee on the judiciary to examine and report thereon.

A bill to be entitled an act for the relief of certain occupants of lands, in the counties of Morgan and Madison, was read the second time, and referred to a special committee, consisting of messrs Jackson, Garth, and Perry, to consider and report thereon.

A bill to be entitled an act for the relief of James G. Lyon, clerk of the

circuit court of Mobile county, was read the second time and ordered to be engrossed for a third reading to morrow.

Joint resolutions to authorize the Brigadier General commanding the 11th brigade of Alabama Militia, to order out such troops as may be necessary to protect the overseer and commissioners appointed to mark out a road through Pike county to the Chatahoochie, against the resistance offered by the Indians; were read the second time and referred to the military committee.

Mr Anderson called up the bill entitled an act more effectually to secure trials in capital cases by impartial jurors.

Mr Perry moved to amend the amendment proposed by the committee on the judiciary, to the bill, by striking out the word "twelve," where it proposes to restrict the right of a prisoner to twelve peremptory challenges of the jury, which was carried. Mr Jackson moved further to amend the amendment proposed by the committee, by striking out the word "three," where it proposes to give the State the right to three peremptory challenges of the jury, which was carried. The amendments proposed by the committee on the judiciary to the bill as amended, were then concurred in.—*Ordered*, that the bill lie on the table.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have adopted the following resolution, in which they request the concurrence of the Senate: *Resolved*, that with the concurrence of the Senate the two Houses will proceed on to-day, at the hour of one o'clock, to elect two Trustees of the University of Alabama, to fill the vacancies occasioned by the resignation of Jesse C. Vanhooze and John Elliott, Esquires. Mr Hogan moved that the resolution lie on the table. Mr Hubbard moved to amend the motion by adding the words "until the first day of December next;" which was carried. The motion as amended was then carried.

A message from the House of Representatives by Mr McClellan: Mr President—The House of Representatives have read three several times, and passed, a bill which originated in their House, entitled an act to repeal a part of an act passed the 15th day of January 1830, entitled an act to establish a board of internal improvement for the State of Alabama, and for other purposes: in which they request the concurrence of the Senate.

The bill mentioned in the foregoing message was read the first time in the Senate, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time forthwith, and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

The following communication was received from the Governor by J. I. Thornton, Secretary of State:

EXECUTIVE DEPARTMENT, Tuscaloosa, Nov. 18, 1830.

The Hon. the Senate and House of Representatives,

Gentlemen: I have this day received the resignation of Mr John Sutherland as one of the directors of the board of internal improvement. I am, most respectfully, your ob't. servant. GABRIEL MOORE.

Mr Pickett called up the bill entitled an act more effectually to secure trials in capital cases by impartial jurors. On motion of Mr Hubbard, *Ordered*, that it be committed to a special committee; whereupon Messrs Hubbard, Pickett, and Jackson were appointed.

The Senate having gone through the orders of the day, adjourned till 10 o'clock to-morrow morning.

Saturday, Nov. 20, 1830.—The Senate met pursuant to adjournment.

Mr Powell presented the account of Elias Jenkins, sheriff of Tuscaloosa

county, against the State, which was referred to the committee on accounts and claims.

On motion of Mr Powell, *Ordered*, that Mr Vining be added to the committee on accounts and claims.

Mr Anderson offered the following resolution: *Resolved*, That the Senate, with the concurrence of the House of Representatives, will this day at the hour of 12 o'clock, assemble in the hall of the House of Representatives to elect a Senator to the Congress of the United States from the fourth of March next; also a Secretary of State, and a Judge of the county court of Pickens county. Mr Hogan moved to amend the resolution, by striking therefrom the words "also a Secretary of State." Mr Powell moved that the resolution lie on the table, which was lost. Yeas 8—Nays 12.

The yeas and nays being desired, those who voted in the affirmative, are Messrs Conner, Dupuy, Edmonson, Irwin, Pickett, Powell, Vining and Walthall.—Those who voted in the negative, are Mr President, Abercrombie, Anderson, Crawford, Garth, Hemphill, Hogan, Jackson, Merriwether, Morton, Perry and Smith.

The question was then put on Mr Hogan's motion to strike from the resolution the words "also a Secretary of State," and determined in the negative. The question being then put on the adoption of the resolution, it was decided in the affirmative. Yeas 11—Nays 10.

The yeas and nays being desired, those who voted in the affirmative, are Mr President, Abercrombie, Anderson, Crawford, Garth, Hemphill, Hubbard, Jackson, Merriwether, Morton and Perry.—Those who voted in the negative, are Messrs Conner, Dupuy, Edmonson, Hogan, Irwin, Pickett, Powell, Smith, Vining and Walthall. So the resolution was adopted.

Ordered, that the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have read three several times and passed, a bill which originated in their House, entitled an act to repeal so much of an act of the General Assembly of the State of Alabama, passed at the session of 1827, as relates to, and provides for, the building a poor house in the county of Autauga, and the manner of supporting the paupers of said county, and for other purposes; in which they desire the concurrence of the Senate. They have adopted the following resolutions, in which they also desire your concurrence: *Resolved*, That a committee be appointed on the part of this House, to act with such committee as may be appointed on the part of the Senate, to examine the Comptroller's and Treasurer's offices of this State. They have appointed a committee on their part consisting of Messrs King of M. Mobley and Lawler.

Resolved, That the two Houses will, with the consent of the Senate, convene in the Representative Hall on Monday next, at the hour of 12 o'clock A. M. for the purpose of electing a State Printer for the ensuing year.

A bill from the House of Representatives entitled an act to repeal so much of an act of the General Assembly of the State of Alabama, passed at the session of 1827, as relates to, and provides for, the building a poor house in the county of Autauga, and the manner of supporting the paupers of said county, and for other purposes, was read; and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third times forthwith and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Ordered, that the Senate concur in the resolution from the House of Representatives proposing the appointment of a joint committee to examine the Comptroller's and Treasurer's offices of this State; whereupon, messrs

Smith, Jackson and Walthall were appointed the committee on the part of the Senate. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Ordered, that the Senate concur in the resolution from the House of Representatives proposing to go into the election of a State Printer on Monday next, at the hour of 12 o'clock.

Mr Jackson who voted in the majority, moved to reconsider the vote of the Senate on the adoption of the resolution, proposing, with the concurrence of the House of Representatives, to proceed to the election of a Senator to the Congress of the United States on this day at the hour of 12 o'clock, which was carried.

Mr Jackson then moved to amend the resolution by striking therefrom the words 'also a Secretary of State,' which was carried. Yeas 11—Nays 10.

The yeas and nays being desired, those who voted in the affirmative, are Mr President, Abercrombie, Anderson, Crawford Dupuy, Hogan, Hubbard, Irwin, Jackson, Pickett and Smith.—Those who voted in the negative, are Messrs Conner, Edmonson, Gaith, Hemphill, Merriwether, Morton, Perry, Powell, Vining and Walthall.

Mr Hubbard moved further to amend the resolution, by striking therefrom the words "and also a judge of the county court of Pickens county," which was carried. The resolution, as amended was then agreed to. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Crawford offered the following resolution: *Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of increasing the capital of the Bank of the State of Alabama, so as to enable the Legislature to establish Branches of said Bank; which was adopted.

Mr Morton offered the following resolution: *Resolved*, That a committee be appointed, whose duty it shall be to draft a memorial to the Congress of the United States, to authorize this State to reduce the minimum price of the lands granted to this State for the improvement of the Tennessee and other rivers, and which yet remains undisposed of. *Ordered*, that the resolution lie on the table.

Mr President laid before the Senate the following communication from the Comptroller of Public Accounts.

COMPTROLLER'S OFFICE, Tuscaloosa, 19th Nov. 1830.

Hon. President of the Senate: Sir—By the provisions of an act of the Legislature, approved January 12th, 1827, the Comptroller of Public Accounts is required to lay before both Houses of the General Assembly, in the first week of the session, a full expose of the disbursements from the contingent fund, to whom paid, and for what services. And as the first week of the present session will have elapsed prior to the expiration of the current fiscal year, so that I cannot embody with my general annual report, a compliance with the aforesaid law, I must request you to accept and lay before the Honorable body over which you preside, the accompanying exhibit, which affords not only the information contemplated by said act, but shows the present state of the contingent fund. Very respectfully, G. W. CRABB,

HON. SAMUEL B. MOORE, President.

Comptroller.

Ordered, that the report lie on the table, and that one hundred copies thereof be printed.

An engrossed bill to be entitled an act for the relief of James G. Lyon, clerk of the circuit court of Mobile county, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act requiring the Governor to reside at the seat of government, was read the third time, and the question being put, Shall the bill pass? It was decided in the affirmative. Yeas 13—Nays 7.

The yeas and nays being desired, those who voted in the affirmative, are Messrs

Abercrombie, Anderson, Conner, Crawford, Dupuy, Edmonson, Hemphill, Hogan, Irwin, Jackson, Merriweather, Morton and Powell.—Those who voted in the negative, are Mr President, Hubbard, Perry, Pickett, Smith, Vining and Walthall. So the bill was passed.

Ordered, that the title be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act to appoint commissioners to select a site for the seat of justice, in the county of Autauga, and for other purposes, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A bill to be entitled, an act for the relief of Joshua Harden; and an act to run and mark out the line from Hartgrove's old place, to Dunn's old place, between the counties of Jefferson and Blount; were severally read the second time, and ordered to be engrossed for a third reading on Monday next.

Mr Powell, from the joint committee on enrolled bills, reported as correctly enrolled, an act to repeal a part of an act, passed 15th day of January, 1830, entitled an act to establish a Board of Internal Improvement for the State of Alabama, and for other purposes; which was accordingly signed by Mr President.

A bill to be entitled an act to manumit certain slaves therein named, was read the second time, and ordered to lie on the table till Monday next. On motion of Mr Perry, *Ordered*, that Mr Morton be added to the committee on propositions and grievances.

Mr Hubbard offered the following resolution: *Resolved*, that the committee on Indian affairs be instructed to inquire into the expediency of extending the jurisdiction of this State over the Indian Territory within the limits of this State, in such manner as will secure the Indians thereon all the rights and privileges compatible with their condition and state of improvement as a people; which was adopted.

And then the Senate adjourned till Monday morning, 10 o'clock.

Monday, Nov. 22 1830.—The Senate met pursuant to adjournment.

Mr Pickett, from the committee on propositions and grievances, to which was referred a bill to be entitled an act to authorize the register of the land office at Courtland, to correct mistakes in the prices of lands, reported the same without amendment. *Ordered*, that the bill be engrossed and made the order of the day for a third reading on to-morrow.

John W. Bridges, Esq. a Senator from the district composed of the counties of Wilcox and Marengo, elected since the last Session of the Legislature, appeared, produced his credentials, was qualified, and took his seat.

Mr Irwin, from the military committee, to which was referred a resolution on the subject, reported a bill to be entitled an act to compensate militia officers when ordered out, to determine contested elections for Major and Brigadier Generals; which was read and ordered to a second reading to-morrow.

On motion of Mr Powell, *Ordered*, that Mr Bridges be added to the committee on Indian affairs, and to the committee on inland navigation.

Mr Perry introduced a bill to be entitled an act for the relief of certain persons therein named; which was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time forthwith, and referred to a special committee, consisting of Messrs Perry, Hogan and Hemphill.

Mr Crawford offered the following resolution: *Resolved*, That the com-

mittee on education be instructed to inquire into the expediency of providing for the election of an additional number of Trustees of the University of Alabama, to reside in the vicinity of the University; which was adopted.

Mr Smith introduced a bill to be entitled an act concerning the establishment of public ferries; which was read and ordered to a second reading to morrow.

Mr Hogan offered the following resolution: *Resolved*, That the Senate will, at the hour of 11 o'clock this day, proceed to the election of a committee on the part of the Senate, to act with such committee as may be elected by the House of Representatives, for the purpose of examining the condition of the Bank of the State of Alabama, pursuant to the provisions of an act entitled an act, to amend the charter of the Bank of the State of Alabama, and that the House be informed thereof; which was adopted.

An engrossed bill to be entitled an act for the relief Joshua Harden, was read the third time and ordered to lie on the table till to morrow,

An engrossed bill to be entitled an act to run and mark out the line from Hartgrove's old place to Dunn's old place, between the counties of Jefferson and Blount, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid; and that it be sent to the House of Representatives for their concurrence.

The Senate resumed the consideration of the bill entitled an act to manumit certain slaves therein named. Mr Jackson moved that the further consideration of the bill be indefinitely postponed; which was lost. Yeas 9—Nays 13.

The yeas and nays being desired, those who voted in the affirmative, are Messrs Abercrombie, Anderson, Crawford, Garth, Hemphill, Hubbard, Irwin, Jackson and Merriwether.—Those who voted in the negative are Mr President, Bridges, Conner, Dupuy, Edmonson, Hogan, Morton, Perry, Pickett, Powell, Smith, Vining and Walthall.

Ordered, that the bill be committed to a special committee; whereupon Messrs Smith, Perry and Hogan were appointed.

The Senate proceeded to elect a joint committee of three members on the part of the Senate, to act with such committee as may be elected by the House of Representatives, to examine and report the condition of the Bank of the State of Alabama, pursuant to the provisions of an act entitled an act to amend the charter of the Bank of the State of Alabama. Messrs Hogan, Jackson, Walthall and Bridges being in nomination, for Mr Hogan 19, Mr Jackson 18, Mr Walthall 17, Mr Bridges 12.

Those who voted for Mr Hogan, are Mr President, Anderson, Bridges, Conner, Crawford, Dupuy, Garth, Hemphill, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Pickett, Powell, Smith, Vining and Walthall.—Those who voted for Mr Jackson, are Mr President, Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Edmonson, Garth, Hogan, Hubbard, Irwin, Merriwether, Morton, Pickett, Powell, Smith and Walthall.—Those who voted for Mr Walthall, are Mr President, Abercrombie, Anderson, Bridges, Conner, Dupuy, Edmonson, Garth, Hemphill, Hogan, Irwin, Jackson, Merriwether, Morton, Perry, Powell and Vining.—Those who voted for Mr Bridges, are Messrs Abercrombie, Crawford, Edmonson, Hemphill, Hogan, Hubbard, Jackson, Perry, Pickett, Smith, Vining and Walthall.

Messrs Hogan, Jackson and Walthall having received a majority of votes were declared to be duly elected a committee to examine the state and condition of the Bank of the State of Alabama.

On motion of Mr Perry the Senate then proceeded to the election of Assistant Secretary, George W. Gayle alone being in nomination, and Mr

Gayle having received all the votes present was declared to be duly elected.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have adopted the following resolution in they desire the concurrence of the Senate: *Resolved*, that with the concurrence of the Senate, the two Houses will convene in the Representative Hall this day at 12 o'clock, for the purpose of electing a commissioner of the board of internal improvement, to fill the vacancy occasioned by the resignation of John Sutherland. *Ordered*, that the Senate concur in the foregoing resolution, and that the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have adopted the following resolution: *Resolved*, that the Senate be informed that this House is now ready to receive them for the purpose of going into the election of a State Printer and Commissioner of the board of internal improvement; whereupon, the members of the Senate repaired to the hall of the House of Representatives, and having taken the seats assigned them, Mr President arose and announced the object of the meeting, when the two Houses proceeded to the election of a State Printer. Messrs Wiley, M'Guire & Henry and Erasmus Walker being in nomination. For Messrs Wiley, M'Guire & Henry 62—For Mr Walker 30.

Those who voted for Messrs Wiley, M'Guire & Henry, are Messrs Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Edmonson, Garth, Hubbard, Irwin, Jackson, Morton, Perry, Pickett, Powell and Walhall. Reps. Mr Speaker, Baker, Barclay, Boyd, Brodnax, Chiles, Clark, Coker, Conner, Cook, Dillett, Durand, Everett, Hall, Harris, Herbert, Hogg, Hudson, Jackson, King of J. King of P. Langford, Lawler, Lea, Massey, Metcalf, Mobley, Moore of M. Moore of W. Murphy, Musgrove, Oliver, Philpott, Rather, Richardson, Roberts, Ross, Rugeley, Sanders, Scott, Shortridge, Taylor, Townsend, Ward, Williams and Young.

Those who voted for Mr Walker, are Mr President, Hemphill, Hogan, Merriwether, Smith and Vining. Reps. Messrs Acklen, Brown, Clough, Collins, Coopwood, Cunningham, Dubose, Dillahunty, Faulk, Gayle, George, Gilbreath, Hickman, Hogan, Killpatrick, King of M. Lane, Mardis, McCollum, McVay, Price, Riddle, Stephens, and Walker.

Messrs Wiley, M'Guire & Henry having received a majority of votes, were declared to be duly elected State Printers for the ensuing year.

The two Houses then proceeded to elect a Commissioner of the Board of Internal Improvement, to supply the vacancy occasioned by the resignation of John Sutherland, Esq. John J. Winston being in nomination. For Mr Winston 93 votes.

Those who voted for Mr Winston are Mr President, Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Edmonson, Garth, Hemphill, Hogan, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Pickett, Powell, Smith, Vining and Walhall. Reps. Mr Speaker, Acklen, Baker, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Clough, Coker, Collins, Conner, Cook, Coopwood, Cunningham, Dubose, Dillett, Durand, Everett, Faulk, Gayle, George, Gilbreath, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, Killpatrick, King of J. King of M. King of P. Lane, Mardis, Massey, McCollum, McVay, Metcalf, Mobley, Moore of M. Moore of W. Murphy, Musgrove, Oliver, Philpott, Price, Rather, Riddle, Richardson, Roberts, Ross, Rugeley, Sanders, Scott, Shortridge, Stevens, Taylor, Townsend, Walker, Ward, Williams and Young.

John J. Winston having received a majority of votes was declared by Mr Speaker to be duly elected a commissioner of the board of internal improvement of this State.

The elections being completed the Senate withdrew, returned to their chamber, and Mr President resumed the chair.

The Senate according to order resolved itself into a committee of the

whole, on the Governor's message. Mr Garth in the chair, and after some time spent in the consideration thereof, the committee rose. Mr President resumed the chair, and Mr Garth reported that the committee of the whole had had under consideration the Governor's message, but not having time to go through with the same, had instructed him to report progress, and ask leave to sit again; which was agreed to.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representative have adopted the following resolution, in which they desire the concurrence of the Senate: *Resolved*, that with the concurrence of the Senate, the two Houses will assemble in the Representative Hall on this day at 1 o'clock, P. M. for the purpose of electing two trustees of the University of Alabama, to supply the vacancies existing in the first and seventh judicial circuits in this State. Mr Smith moved that the resolution lie on the table.

Mr Jackson moved that the Senate adjourn till to-morrow morning at 10 o'clock, which was lost. Yeas 9—Nays 13.

The yeas and nays being desired, those who voted in the affirmative, are Mr President, Conner, Garth, Hemphill, Hogan, Irwin, Jackson, Perry and Smith — Those who voted in the negative, are Messrs Abercrombie, Anderson, Bridges, Crawford, Dupuy, Edmonson, Hubbard, Merriwether, Morton, Pickett, Powell, Vining and Walthall.

The question was then put on Mr Smith's motion to lay the resolution on the table, and carried. Yeas 14—Nays 8.

The yeas and nays being desired, those who voted in the affirmative, are Messrs Anderson, Conner, Dupuy, Garth, Hemphill, Hogan, Jackson, Merriwether, Perry, Pickett, Powell, Smith, Vining and Walthall — Those who voted in the negative, are Mr President, Abercrombie, Bridges, Crawford, Edmonson, Hubbard, Irwin and Morton.

Mr Pickett introduced a preamble and joint resolution requesting the Governor of this State to remonstrate against the present policy pursued by the Branch Bank of the United States in Mobile, in refusing discounts to persons residing without the chartered limits of the city of Mobile; which was read and ordered to a second reading to morrow.

And then the Senate adjourned till to morrow morning at 10 o'clock.

Tuesday, November 23, 1830.—The Senate met pursuant to adjournment.

Mr Bridges presented the petition of Aaron Livingston, of Wilcox county, one of the commissioners of the 16th section in township 13, range 8, praying the passage of a law legalizing and confirming certain acts performed by him in relation to the sale of said section, which was read and referred to the committee on education.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have adopted the following resolution in which they desire the concurrence of the Senate: *Resolved*, that a committee of three members be appointed on the part of this House; to act jointly with such committee as may be appointed on the part of the Senate to examine the returns of the several sheriffs from the different counties in this State, shewing the number of votes for and against the proposed amendment to the Constitution so as to have biennial sessions of the General Assembly, with instructions to report thereon. They have appointed on their part messrs Acklen, Everett and Hudson.

Resolved, that with the concurrence of the Senate the two Houses will assemble in the Representative Hall on Saturday next, at the hour of 12 o'clock, for the purpose of electing a Secretary of State.

Ordered, that the Senate concur in the resolution from the House of Representatives proposing the appointment of a joint committee to examine the returns of the several sheriffs from the different counties in this State, shewing the number of votes for and against the proposed amendment of the Constitution, so as to have biennial sessions of the General Assembly; whereupon, messrs Garth, Bridges and Vining were appointed a

committee on the part of the Senate. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Ordered, that the Senate concur in the resolution from the House of Representatives, proposing, with the consent the Senate, to go into the election of a Secretary of State on Saturday next at the hour of 12 o'clock, and that the House be informed thereof.

The following communication was received from the Governor, by J. I. Thornton, Esq.

EXECUTIVE DEPARTMENT, Nov 23, 1830.

To the Hon. the President and members of the Senate: Gentlemen— I have received the resignation of Dr H. W. Rhodes as a Trustee of the University of Alabama. I have the honor to be, with high regard, most respectfully, Your ob't. serv't.

GABRIEL MOORE.

Mr Irwin introduced a joint memorial to the Congress of the United States, relating to the boundary line between the State of Alabama and West Florida; which was read and ordered to a second reading to morrow.

Mr Irwin also, introduced a joint resolution to authorize the appointment of a commissioner, to act with such commissioner as may be appointed by the United States, to define the line between this State and West Florida; which was read and ordered to a second reading to morrow.

Mr Hogan, from the special committee to which was referred a petition on the subject, reported a bill to be entitled an act to manumit and set free a certain slave therein named, and for other purposes; which was read and ordered to a second reading to morrow.

A bill to be entitled an act to compensate militia officers, when ordered out, to determine contested elections for Major or Brigadier General, was read the second time. Mr Jackson moved that the further consideration of the bill be indefinitely postponed; which was carried. Yeas 13—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Anderson, Bridges, Crawford, Dupuy, Edmondson, Garth, Hemphill, Jackson, Meriwether, Morton, Powell and Vining. — Those who voted in the negative are, messrs Conner, Hogan, Irwin, Perry, Pickett, Smith and Walthall.

A bill to be entitled an act concerning the establishment of public ferries, was read the second time, and referred to the committee on roads, bridges and ferries.

The Senate took up and resumed the consideration of the bill entitled an act for the relief of Joshua Harden. The question was put, Shall the bill pass? and decided in the affirmative. *Ordered*, that the title be as aforesaid, and that the bill be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act to authorize the register of the land office at Courtland, to correct mistakes in the prices of lands, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Joint resolution, requesting the Governor to remonstrate against the present policy pursued by the Branch Bank of the United States at Mobile, was read the second time and referred to a special committee, consisting of messrs Jackson, Pickett and Smith.

Mr Morton moved to take up for consideration the resolution from the House of Representatives proposing to go into the election of two trustees of the University, to fill the vacancies existing in the first and seventh judicial circuits; which was carried. Yeas 16—Nays 6.

The yeas and nays being desired, those who voted in the affirmative, are Mr President, Abercrombie, Anderson, Bridges, Crawford, Dupuy, Edmondson, Garth, Hubbard, Irwin, Jackson, Morton, Perry, Powell and Vining. — Those who voted in the negative, are

Messrs Conner, Hogan, Merriwether, Pickett, Smith and Walthall.

Mr Morton moved to amend the resolution by adding thereto the words "and also a trustee from the fifth judicial circuit in the place of Dr H. W. Rhodes, resigned;" which was carried. Mr Jackson moved further to amend the resolution by striking therefrom the words "this day at 1 o'clock," and inserting the words "to morrow the 24th instant at 1 o'clock;" which was carried. Mr Anderson moved further to amend the resolution by adding thereto the words "and also a judge of the county court of Pickens county;" which was carried. The resolution as amended was concurred in. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr McClellan: Mr President—the House of Representatives have adopted the following resolution in which they desire the concurrence of the Senate: *Resolved*, with the concurrence of the Senate, that the two Houses will this day at the hour of 1 o'clock P. M. assemble in the Representative Hall for the purpose of going into the election of a Senator of the United States, for the term of six years, commencing from and after the 4th of March next. Mr Jackson moved that the resolution lie on the table, which was carried.

And then the Senate adjourned till to morrow morning at 10 o'clock.

Wednesday, 24th Nov. 1830.—The Senate pursuant to adjournment.

Mr Perry from the special committee to which was referred a bill entitled an act for the relief certain persons therein named, reported the same without amendment. The bill being considered as engrossed, was read the third time, and the question being put, Shall the bill pass? it was determined in the affirmative. Yeas 11—Nays 10.

The yeas and nays being desired, those who voted in the affirmative, are Mr President, Anderson, Bridges, Conner, Dupuy, Hogan, Morton, Perry, Pickett, Smith and Walthall. — Those who voted in the negative, are Messrs Crawford, Edmondson, Garth, Hemp-hill, Hubbard, Irwin, Jackson, Merriwether, Powell and Vining. So the bill was passed.

Ordered, that the title be as aforesaid, and that the bill be sent to the House of Representatives for their concurrence.

Mr Powell presented the report of the State Architect, containing an estimate of the expense of finishing the State Capitol; which was read and laid on the table.

Mr Anderson introduced a bill to be entitled an act to repeal all laws now in force to prevent the evil practice of duelling; which was read and ordered to a second reading to morrow.

Mr Irwin presented the annual report of the Quartermaster General, shewing the number of, and present state and condition, of the camp equipage, Quartermaster's stores, ordinance, &c now in the State Arsenal; which was referred the military committee.

Mr Hubbard, from the committee on the judiciary, to which was referred a bill entitled an act more effectually to secure trials in capital cases by impartial jurors, reported the same as amended; which was concurred in. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to morrow.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have read three several times and passed, a bill which originated in the Senate, entitled an act to change the name of Henry Dudley. They have also passed a bill which originated in their House entitled an act to amend the act incorporating Marion Academy in Perry county; in which they desire your concurrence. They concur in the several amendments made by the Senate in the resolution proposing to go into the election of Trustees of the University.

A bill from the House of Representatives entitled an act to amend the

act incorporating Marion Academy in Perry county, was read a first time and ordered to a second reading to-morrow.

Joint memorial to the Congress of the United States relating to the boundary line between the State of Alabama and West Florida; and joint resolution to authorize the appointment of a commissioner to act with such commissioner as may be appointed by the United States, to define the line between this State and West Florida, were severally read the second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to manumit and set free a certain slave therein named, and for other purposes, was read the second time and ordered to lie on the table.

Mr Powell from the joint committee on enrolled bills, reported as correctly enrolled, an act to repeal so much of an act of the General Assembly of the State of Alabama passed at the session of 1827, as relates to, and provides for, the building a poor house in the county of Autauga, and the manner of supporting the paupers of said county, and for other purposes; which was accordingly signed by Mr President.

Mr Crawford introduced a bill to be entitled an act concerning dower, which was read and ordered to a second reading to-morrow.

The Senate, according to order, resolved itself into a committee of the whole on the Governor's message, Mr Garth in the chair; and after some time spent in the consideration thereof, the committee rose, Mr President resumed the chair, and Mr Garth reported the following resolutions:

1. *Resolved*, that so much of the Governor's message as relates to the University and the diffusion of knowledge generally, be referred to the committee on education.

2. *Resolved*, that so much of the Governor's message as relates to the establishment of a separate Supreme Court, and an alteration of that part of the Constitution which limits the number of counties composing each judicial circuit to six, be referred to the committee on the judiciary.

3. *Resolved*, that so much of the Governor's message as relates to a revision of the penal code, and the establishment of a Penitentiary system, be referred to a special committee.

4. *Resolved*, that so much of the Governor's message as relates to the affairs of the State Bank, be referred to the committee on the State Bank.

5. *Resolved*, that so much of the Governor's message as relates to a renewal of the charter of the Bank of the United States, be referred to a special committee.

6. *Resolved*, that so much of the Governor's message as relates to the Muscle Shoals Canal, be referred to a special committee.

7. *Resolved*, that so much of the Governor's message as relates to the Indians residing within the limits of this State, and Indian affairs be referred to the committee on Indian affairs.

8. *Resolved*, that so much of the Governor's message as relates to the State Capitol, be referred to the committee on the State Capitol.

9. *Resolved*, that so much of the message as relates to the census, and new apportionment of representatives to Congress, be referred to a special committee.

10. *Resolved*, that so much of the message as relates to the proposed canal to connect the waters of the Tennessee with those of the Coosa river, be referred to the committee on inland navigation. All of which were severally read and adopted.

Pursuant to resolution No. 3, Mr President appointed a special committee to consist of messrs Powell, Pickett and Morton.

Pursuant to resolution No. 5, Mr President appointed a special committee to consist of messrs Smith, Hemphill and Hubbard.

Pursuant to resolution No. 6, Mr President appointed a special committee to consist of messrs Jackson, Bridges and Vining.

Pursuant to resolution No. 9, Mr President appointed a special committee to consist of messrs Perry, Anderson and Hogan.

Mr Perry introduced a bill to be entitled an act more effectually to prevent Judges of the Circuit Courts from charging juries on matters of fact, and the better to secure the right of trial by jury; which was read and ordered to a second reading to-morrow.

Mr Crawford introduced a bill to be entitled an act better to regulate the issuing licenses to retailers of spirituous liquors; which was read and ordered to a second reading to-morrow.

A message from the House of Representatives by Mr Tunstall: Mr President—The House of Representatives have adopted the following resolution, in which they desire the concurrence of the Senate: *Resolved*, that the Senate be informed that this House is now ready to receive them for the purpose of going into the election of three Trustees of the University, to fill the vacancies occasioned by the resignation of John Elliott of the 1st, H. W. Rhodes of the 5th, and Jesse Vanhose of the 7th judicial circuits; and also, to elect a Judge of the County Court for Pickens county, to fill the vacancy of Solomon Marshall, resigned: whereupon, the members of the Senate repaired to the Hall of the House of Representatives, and having taken the seats assigned them, Mr President arose and announced the object of the meeting, when the two Houses proceeded to the election of a Trustee of the University from the first judicial circuit, Ptolemy T. Harris alone being in nomination. For Mr Harris 88 votes.

Those who voted for Mr Harris, are Mr President, Abercrombie, Anderson, Conner, Crawford, Dupuy, Edmondson, Hemphill, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Smith, Vining and Walball. Reps. Mr Speaker, Acklen, Baker, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Clough, Coker, Collins, Conner, Cook, Coopwood, Cunningham, Dubose, Dillahunty, Dilleit, Durand, Everett, Faulk, Gayle, George, Gilbreath, Hall, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, Killpatrick, King of J. King of M. King of P. Lane, Langford, Lawler, Lea, Mar- dis, Massey, McCollom, McVay, Metcalf, Mobley, Moore of M. Moore of W. Murchree, Musgrove, Oliver, Philpott, Price, Rather, Riddle, Richardson, Roberts, Ross, Rugeley, Sanders, Scott, Shortridge, Stevens, Taylor, Townsend, Walker, Ward, Williams and Young.

Ptolemy T. Harris having received all the votes present, was declared by Mr Speaker to be duly elected a Trustee of the University from the first judicial circuit.

The two Houses then proceeded to the election of a Trustee from the fifth judicial circuit to fill the vacancy occasioned by the resignation of Dr. H. W. Rhodes, Jesse W. Garth being in nomination. For Mr Garth 88 votes.

Those who voted for Mr Garth are the same as those who voted in the election for Trustee of the University from the first judicial circuit. Jesse W. Garth having received all the votes present, was declared by Mr Speaker to be duly elected a Trustee of the University from the fifth judicial circuit.

The two Houses then proceeded to the election of a Trustee of the University from the seventh judicial circuit, in place of Jesse Vanhose resigned, John C. Killpatrick being in nomination. For Mr Killpatrick 88 votes.

Those who voted for Mr Killpatrick, are the same as those who voted in the election for Trustee from the first judicial circuit. John C. Killpatrick having received all the votes present, was declared by Mr Speaker to be

duly elected a Trustee of the University from the seventh judicial circuit.

The two Houses then proceeded to the election of a Judge of the County Court of Pickens county, Job H. Binion and James Thompson being in nomination. For Mr Binion 70—Mr Thompson 18.

Those who voted for Mr Binion are Mr President, Abercrombie, Anderson, Conner, Dupuy, Hemphill, Hubbard, Jackson, Morton, Perry, Smith, Vining, Walthall. Reps. Mr Speaker, Acklen, Baker, Brodnax, Brown, Clark, Clough, Coke, Collins, Conner, Cook, Coopwood, Duhose, Dillett, Durand, Everett, Fulk, Gayle, George, Gilbreath, Hall, Harris, Herbert, Hickman, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of J. Lane, Langford, Lawler, Lea, Mardis, Massey, McCollum, Metcalf, Mobley, Moore of W. Murphree, Masgrove, Oliver, Philpott, Riddle, Richardson, Roberts, Ross, Rugeley, Shortridge, Taylor, Townsend, Walker, Ward, Williams and Young.

Those who voted for Mr Thompson, are Messrs Crawford, Edmondson and Merriweather. Reps. Messrs Barclay, Boyd, Chiles, Cunningham, Dillahunty, Hodges, King of M. King of P. McVay, Moore of M. Price, Rather, Sanders, Scott and Stevens.

Job H. Binion having received a majority of votes was declared by Mr Speaker to be duly elected Judge of the County Court of Pickens county.

The elections being completed the Senate withdrew, returned to their own chamber, and Mr President resumed the chair. And then the Senate adjourned till to-morrow morning at 10 o'clock.

Thursday, 25th Nov. 1830.—The Senate met pursuant to adjournment.

Mr Powell, from the joint committee on enrolled bills, reported as correctly enrolled, an act for the relief of Henry Dudley; which was accordingly signed by Mr President.

Mr Morton presented the petition of sundry purchasers of University lands, in the northern part of the State, praying to be allowed to retain the lands they have paid for, and to relinquish to the University the remainder; and asking a preference right in the repurchase of the lands relinquished, together with a report from the Trustees of the University, recommending that the prayer of the petitioners be granted; which were referred to the committee on propositions and grievances.

Mr Abercrombie presented the account of Baker & Herbert against the State; which was referred to the committee on accounts and claims.

Mr Jackson presented the petition of Henry Williams of Lauderdale county, praying the passage of a law authorizing the register of the land office at Courtland to sell to him at valuation a certain tract of the land granted to this State for the improvement of the navigation of Tennessee river; which was read and referred to the special committee appointed to examine and report on sundry petitions heretofore presented on the same subject.

Mr Jackson offered the following resolution: *Resolved*, that the committee on the State Bank be instructed to inquire into the expediency of the Legislature appointing or electing an attorney for said Bank, and into the necessity of providing against unnecessary costs in the collection of protested notes, and protested bills of exchange, by bringing separate suits against the drawer and endorsers, or in any other manner, increasing costs improperly, and that they report by bill or otherwise; which was adopted.

Mr Irwin, from the military committee to which was referred joint resolutions to authorize the Brigadier General commanding the 11th brigade of Alabama militia, to order out such troops as may be necessary to protect the overseer and commissioner appointed to mark out a road through Pike county to the Chatahoochie, against the resistance offered by the Indians, reported the same without amendment—and also submitted a report accompanied by the following resolution: *Resolved*, that his Excellency the

Governor be requested to give such aid and protection as shall seem to him most expedient, to enforce the laws of the State. *Ordered*, that the resolution and report lie on the table.

The following communication was received from the Governor by William L. Antony, Secretary to the Board of Internal Improvement.

EXECUTIVE DEPARTMENT, TUSCALOOSA, Nov. 23, 1830.

To the Hon. President and Members of the Senate: Gentlemen—I herewith transmit to you through their Secretary, the annual report of the Board of Internal Improvement. I have the honor to be, most respectfully, your obedient servant.

GABRIEL MOORE.

Ordered, that the report and accompanying documents lie on the table, and that two hundred copies thereof, together with the reports of the Engineers heretofore appointed to examine the route for a canal connecting the waters of the Tennessee with those of the Coosa river, be printed for the use of the Senate.

Mr Hubbard called up the report of the committee of the Trustees of the University, on University regulations, which accompanied the Governor's annual communication, recommending the adoption of a plan for the admission, from the different counties in this State in proportion to the whole population of each county, of as many students as the funds of the Institution will educate free of charge. *Ordered*, that fifty copies of the report be printed.

A bill to be entitled an act to amend the act incorporating Marion Academy in Perry county, was read the second time and ordered to a third reading to-morrow.

A bill to be entitled an act to repeal all laws now in force to prevent the evil practice of duelling, was read the second time. Mr Perry moved that the bill be referred to the committee on the judiciary; which was lost. Yeas 10—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Abercrombie, Anderson, Bridges, Conner, Dupuy, Hogan, Morton, Perry and Walthall.—Those who voted in the negative are, Messrs Crawford, Edmondson, Garth, Hemphill, Hubbard, Irwin, Jackson, Merriwether, Pickett, Powell, Smith and Vining.

Mr Crawford moved that the further consideration of the bill be indefinitely postponed; which was carried. Yeas 12—Nays 10.

The yeas and nays being desired, those who voted in the affirmative, are Messrs Crawford, Edmondson, Garth, Hemphill, Hubbard, Irwin, Jackson, Merriwether, Pickett, Powell, Smith and Vining.—Those who voted in the negative are, Mr. President, Abercrombie, Anderson, Bridges, Conner, Dupuy, Hogan, Morton, Perry and Walthall.

Mr Hubbard, from the Committee on the State Capitol, to which was referred a bill to be entitled an act providing for the completion of the State Capitol, reported the same without amendment. On motion of Mr Perry, *Ordered*, that the bill lie on the table till to-morrow.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Friday, 26th Nov. 1830—The Senate met pursuant to adjournment.

Mr Bridges presented the petition of James and Godfrey Holly, praying that an act passed at the last session of the Legislature, authorizing Eli Holly to emancipate a certain slave therein named, be repealed; which was read and referred to a special committee consisting of messrs Bridges, Vining and Walthall.

Mr Hemphill introduced a bill to be entitled an act to repeal the fourth section of an act entitled an act to revive in part a certain act therein specified; which was read and ordered to a second reading to-morrow.

Mr Hubbard, from the special committee to whom was referred resolutions from the House of Representatives, approving the administration of Andrew Jackson, President of the United States, and recommending him to the other States of the Union for the office of President, after his present term shall expire, reported the same as amended, by striking therefrom the following words: "is increased and strengthened by the republican principles he has introduced into his administration, by the measures he has recommended, and by the just and elevated views he has from time to time presented of the true policy of the Government," where the resolution reads thus: "Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, that their confidence in the fitness of Andrew Jackson for the office of President of the United States, is increased and strengthened by the republican principles," &c. And by inserting the words "*continuous undiminished*," so as to make the resolution read thus: "Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, that their confidence in the fitness of Andrew Jackson for the office of President of the United States continues undiminished.

Mr Irwin moved that the resolutions and proposed amendment lie on the table till to-morrow; which was carried. Yeas 14—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Abercrombie, Bridges, Crawford, Edmondson, Garth, Hogan, Hubbard, Irwin, Jackson, Merriwether, Pickett, Powell and Walthall.—Those who voted in the negative are, Messrs Anderson, Conner, Dupuy, Hemphill, Perry, Smith and Vining.

Mr Pickett, from the special committee to which was referred a joint resolution requesting the Governor to remonstrate against the present policy pursued by the Branch Bank of the United States at Mobile, reported the same as amended; which was concurred in. *Ordered*, that the resolution be engrossed and made the order of the day for a third reading to-morrow.

Mr Hubbard, from the committee on the judiciary to whom was referred a bill entitled an act for the relief of Polly Caperton, wife of Hugh Caperton, reported the same as amended. *Ordered*, that the bill and report lie on the table.

Mr Hubbard from the same committee to which was referred a bill entitled an act to prevent the citizens of this State from being sued in civil cases before any justice of the peace out of the beat in which they may respectively reside, reported the same as amended, which was concurred in. Mr Smith moved further to amend the bill by striking therefrom the words "unless it be in the beat where the debt may have been contracted," where the bill provides that no person shall be sued in a civil case before a justice of the peace out of the beat or some adjoining beat in which the defendant or defendants may reside, unless it be in the beat where the debt may have been contracted, &c. which motion was lost. Yeas 5—Nays 17.

The yeas and nays being desired, those who voted in the affirmative are Messrs Garth, Powell, Smith Vining and Walthall.—Those who voted in the negative are, Mr President, Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Edmondson, Hemphill, Hogan, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry and Pickett.

Mr Hogan offered the following amendment to the bill: "And be it further enacted, that nothing contained in this act shall apply to the city of Mobile;" which was rejected. Mr Anderson moved that the further consideration of the bill be indefinitely postponed; which was lost. Yeas 6—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are Messrs Edmondson, Garth, Hogan, Merriwether, Powell and Vining.—Those who voted

in the negative are, Mr President, Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Hemphill, Hubbard, Irwin, Jackson, Perry, Pickett, Smith and Walthall

Ordered, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr Pickett introduced a bill to be entitled an act to repeal an act of the last session of the General assembly of the State of Alabama, appointing a Board of Internal Improvement; which was read and ordered a second reading to-morrow.

Mr Hubbard, from the committee on the judiciary to which was referred a bill to be entitled an act to alter and amend the laws of usury, reported the same as amended. *Ordered*, that the bill together with the proposed amendment, lie on the table till to-morrow.

Mr Walthall introduced a joint resolution proposing an amendment to the constitution of the State of Alabama, so as to limit the sessions of the General Assembly; which was read and ordered to a second reading to-morrow.

Mr Crawford introduced a joint resolution providing for the distribution of the laws of the United States; which was read and ordered to a second reading to-morrow.

Mr Hogan called up the bill entitled an act to manumit and set free a certain slave therein named, and for other purposes. *Ordered*, that it be committed to a special committee; whereupon Messrs Smith, Perry and Hogan were appointed.

A message from the House of Representatives by Mr VanDyke: Mr President—The House of Representatives have read three several times and passed bills which originated in the Senate, entitled an act for the relief of James G. Lyon, clerk of Mobile circuit court; an act to run and mark out the line from Hartgroves' old place to Duns' old place, between counties of Jefferson and Blount; and an act to appoint Commissioners to select a site for the seat of justice in the county of Autauga, and for other purposes; and have amended the latter bill in the manner herewith shewn: in which they desire your concurrence. They have also passed bills which originated in their House entitled an act to compensate George M. Taylor for expenses incurred in the prosecution of David M. Smithson charged with murder; an act to authorize Richard Darby to emancipate a certain slave therein named; an act to authorize the county court of Dale county to sell certain public buildings therein named; and, an act authorizing and legalizing the registration of deeds not heretofore recorded in legal time. In all of which they desire the concurrence of the Senate.

Ordered, that the Senate concur in the amendment made by the House of Representatives, to the bill entitled an act to appoint commissioners to select a site for the seat of justice in the county of Autauga, and for other purposes. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Bills from the House of Representatives entitled an act to compensate George M. Taylor for expenses incurred in the prosecution of David M. Smithson, charged with murder; an act to authorize Richard Darby to emancipate a certain slave therein named; an act to authorize the county court of Dale county to sell certain public buildings therein named; and, an act authorizing and legalizing the registration of deeds not heretofore recorded in legal time; were severally read the first time and ordered to a second reading to-morrow.

A bill to be entitled an act concerning dower, was read the second time and committed to the committee on the judiciary.

A bill to be entitled an act better to regulate the issuing licenses to retailers of spirituous liquors, was read the second time and committed to a special committee consisting of messrs Crawford, Powell and Pickett.

A bill to be entitled an act more effectually to prevent judges of the circuit and county courts from charging juries on matters of fact, and the better to secure the right of trial by jury, was read the second time and committed to the committee on the judiciary.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Saturday 27th Nov. 1830—The Senate met pursuant to adjournment.

Mr Bridges presented the memorial of James Battle, one of the commissioners of the 16th section in township 13, range 8, in Wilcox county, accompanied by sundry certificates and other documents in opposition to a confirmation of the sale of said section made by Aaron Livingston, another commissioner thereof; which were referred to the committee on education.

Mr Bridges presented the account of Eli Terry, jr. against the State; which was referred to the committee on accounts and claims.

Mr Morton, from the committee on roads, bridges and ferries to which was referred a bill to be entitled an act concerning the establishment of public ferries, reported the same without amendment. *Ordered*, that the bill lie on the table till Monday next.

Mr Morton, from the committee on propositions and grievances to which was referred the petition of sundry purchasers of University lands in the northern part of this State, together with the report of a committee of the Trustees of the University reported a bill to be entitled an act making further regulations for selling University lands; which was twice read and committed to a special committee, consisting of messrs Hubbard, Pickett and Jackson.

Mr Bridges, from the special committee to which was referred a petition on the subject, reported a bill to be entitled an act to repeal in part an act therein mentioned; which was read and ordered to a second reading on Monday next.

Mr Irwin introduced a bill to be entitled an act to authorize Thomas M'Donal to collect toll on a bridge across the Conecuh river; which was read and ordered to a second reading on Monday next.

Mr Pickett offered the following resolution: *Resolved*, that the Secretary of the Board of Internal Improvement be instructed, to report to the Senate the amount of expenses incurred by the State for the pay of the Board of Internal Improvement, the amount charged by each member of the Board, and for what services performed, and when performed, to the end that the Senate may have some data to judge whether the services the State is like to receive is commensurate with the expenditure, and whether the Board have made any prospective contracts, and of what character, and to what amount. On motion of Mr Hogan, *Ordered*, that the resolution lie on the table till Monday next.

Mr Powell, from the joint committee on enrolled bills, reported as correctly enrolled, an act to run and mark out the line from Hartgrove's old place to Duan's old place, between the counties of Jefferson and Blount; an act to appoint commissioners to select a site for the seat of justice in the county of Autauga and for other purposes; and, an act for the relief of James G. Lyon, clerk of Mobile circuit court: all of which were accordingly signed by Mr President.

A message from the House of Representatives by Mr Tunstall, their clerk: Mr President—The House of Representatives have postponed to the first day of March next a bill which originated in the Senate, entitled an act for the relief of Joshua Harden. They have read three several times and pass-

ed bills which originated in their House, entitled an act for the relief of Martha Williams; and, an act to change the name of a certain person therein named: in which they desire the concurrence of the Senate.

Bills from the House of Representatives entitled an act to change the name of a certain person therein named; and, an act for the relief of Martha Williams—were severally read the first time and ordered to a second reading on Monday next.

Mr Bridges introduced a bill to be entitled an act amendatory of the laws concerning divorce; which was read and ordered to a second reading on Monday next.

Engrossed joint resolution requesting the Governor to remonstrate against the present policy pursued by the Branch Bank of the United States at Mobile, was read the third time and passed. *Ordered*, that the resolution be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act more effectually to secure trials in capital cases by impartial jurors, was read the third time, and the question being put, Shall the bill pass? it was determined in the affirmative. Yeas 19.—Nays 3.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Abercrombie, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hogan, Hubbard, Irwin, Jackson, Merriwether, Pickett, Powell, Smith, Vining and Walthall.—Those who voted in the negative are, messrs Anderson, Morton and Perry. So the bill was passed.

Ordered, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A bill to be entitled an act to authorize the county court of Dale county, to sell certain public buildings therein named, was read the second time. Mr Anderson offered an amendment to the bill, authorizing the judge of the county court and commissioners of roads and revenue of Pickens county to sell the old court house and jail, and public square in said county; which was adopted. *Ordered*, that the bill be committed to a special committee; whereupon messrs Irwin, Anderson and Hemphill were appointed.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have adopted the following resolution: *Resolved*, that the Senate be now invited to repair to this Hall for the purpose of going into the election of a Secretary of State; whereupon the members of the Senate repaired to the Hall of the House of Representatives, and having taken the seats assigned them, mr President arose and announced the object of the meeting; when the two Houses proceeded to the election of a Secretary of State, James I. Thornton alone being in nomination. For mr Thornton 93 votes.

Those who voted for Mr Thornton are, Mr President, Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hogan, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Pickett, Powell, Smith, Vining and Walthall. Representatives, Mr Speaker, Acklen, Baker, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Clough, Coker, Collins, Cook, Coopwood, Cunningham, Dabose, Dillahunt, Dilleat, Durand, Everett, Faulk, Gayle, George, Gilbreath, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of J., King of M., King of P., Lane, Langford, Lawler, Lea, Mardis, Massey, M'Collum, M'Vay, Metcalfe, Mobley, Moore of M., Moore of W., Murphree, Musgrove, Oliver, Philpot, Price, Rather, Riddle, Richardson, Roberts, Ross, Rugeley, Sanders, Scott, Shortridge, Stevens, Taylor, Townsend, Walker, Ward, Williams and Young.

James I. Thornton having received all the votes present, was declared by mr Speaker to be duly elected Secretary of State for the ensuing two years.

The election being completed, the Senate withdrew, returned to their own chamber, and Mr President resumed the chair.

On motion of Mr Hubbard, *Ordered*, that Mr Anderson have leave of absence after to-day till Tuesday next.

Mr Bridges offered the following resolution: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of providing by law for the appointment of a suitable person or persons for the purpose of arranging and digesting the laws of this State, and that they report by bill; which was adopted.

Mr Abercrombie offered the following resolution: *Resolved*, that the committee on roads, bridges and ferries, inquire into the expediency of appropriating a part of the three per cent fund for the purpose of bridging and repairing the road leading from Line Creek in Montgomery county, to Fort Mitchell on the Chatahoochie river, with leave to report by bill or otherwise; which was adopted.

And then the Senate adjourned till Monday morning at 10 o'clock.

Monday, Nov. 29th. 1830.—The Senate met pursuant to adjournment.

Mr Irwin, from the military committee, to which was referred a resolution on the subject, reported a bill to be entitled an act to extend the jurisdiction and laws of the State of Alabama throughout the chartered limits of the State; which was read and ordered to a second reading to-morrow.

Mr Hogan, from the committee on the State Bank submitted the following report: The committee on the State Bank to whom was referred a resolution instructing them to inquire into the expediency of increasing the capital stock of the Bank of the State of Alabama, so as to enable the Legislature to establish branches to said Bank, have had the same under consideration, and have directed me to report it inexpedient. On motion of Mr Pickett, *Ordered*, that the report lie on the table.

Mr Hubbard, from the committee on the judiciary to which was referred a resolution on the subject, reported a bill to be entitled an act giving to the county courts jurisdiction of offences committed by slaves; which was read and ordered to a second reading to-morrow.

Mr Garth, from the committee on divorce and alimony to which was referred the transcript and proceedings of the circuit court of Lawrence county, exercising chancery jurisdiction in the case of Eliza Boalt against Lewis Boalt, reported a bill to be entitled an act to divorce Eliza Boalt from Lewis Boalt; which was read and ordered to a second reading to-morrow.

Mr Perry introduced a bill to be entitled an act to extend the powers of the county court of Dallas county in relation to roads; which was read and ordered to a second reading to-morrow.

Mr Irwin introduced a bill to be entitled an act to authorize the commanding officers of the 46th regiment Alabama militia, to form a company beat with a less number than forty privates in the county of Dale; which was read and ordered to a second reading to-morrow.

Mr Merriwether introduced a bill to be entitled an act to authorize justices of the peace to take bail in certain cases; which was read and ordered to a second reading to-morrow.

Mr Bridges introduced a bill to be entitled an act to curtail the amount of damages upon bills of exchange purchased by the Bank of the State of Alabama, which was read; and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time forthwith, and committed to the committee on the State Bank.

Mr Hogan offered the following resolution: *Resolved*, that the committee on roads, bridges and ferries be instructed to inquire into the expedi-

ency of appropriating so much of the three per cent fund as will enable the judge and commissioners of roads and revenue of the county of Washington to cut out and bridge so much of the new State road leading from Coffeeville to Mobile, as runs through Washington county; which was adopted.

Mr Irwin offered the following resolution: *Resolved*, that the military committee be instructed to inquire into the expediency of fixing by law, the days on which company musters shall be, and of requiring the commanding officers of regiments to notify or cause to be notified officers commanding companies at or before the first company muster in each year, of the time and place of battalion musters, and of requiring brigadier generals to cause notice to be given to officers commanding companies of the time and place of their regimental musters, at or before the last company muster in each year; which was adopted.

Mr Jackson offered the following resolution: *Resolved*, that the committee on propositions and grievances be instructed to inquire into the expediency and necessity of a law compelling the owners of slaves in this State to feed and clothe them in such manner as to afford them proper comfort and support, and that they report by bill or otherwise; which was adopted.

Mr Crawford introduced a bill to be entitled an act to establish a State road from Harpersville in Shelby county, by Columbiana and Maplesville, to Seneca; which was read and ordered to a second reading to-morrow.

Mr Morton offered the following resolution: *Resolved*, that the committee on roads, bridges and ferries be instructed to inquire into the expediency of memorializing Congress on the subject of establishing a stage route from South Florence by way of Tusculumbia, to Tuscaloosa. Mr Hogan moved to amend the resolution by adding the words "and from thence to Mobile," which was carried. The resolution as amended was then adopted.

On motion of Mr Morton, *Ordered*, that Mr Hogan be added to the committee on roads, bridges and ferries.

Mr Hogan, from the special committee to which was referred joint memorial to the Congress of the United States, asking a donation of lands to connect the waters of Tennessee with those of the Coosa river by means of a canal, reported the same without amendment. *Ordered*, that the memorial lie on the table till to-morrow.

Mr Irwin called up the joint resolution to authorize the Brigadier General commanding the 11th brigade of Alabama militia to order out such troops as may be necessary to protect the overseer and commissioner appointed to mark out a road through Pike county to the Chatahoochee river, against the resistance offered by the Indians, together with the report made thereon by the military committee, submitting for adoption the following resolution: *Resolved*, that his Excellency the Governor be requested to give such aid and protection as shall seem to him most expedient to enforce the laws of the State. The question was put on concurring in the report of the military committee submitting the above resolution; and determined the affirmative. Yeas 13—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Abercrombie, Conner, Edmondson, Gath, Hemphill, Hogan, Hubbard, Lwin, Jackson, Morton, Perry and Powell.—Those who voted in the negative are Messrs Bridges, Crawford, Dupuy, Merriwether, Pickett, Smith, Vining and Walhall.

Ordered, that the original resolution, which was referred to the military committee, lie on the table.

Mr Hogan called up the resolution offered on yesterday by Mr Pickett,

directing the Secretary of the board of internal improvement to report certain information to the Senate specified in the resolution. Mr Crawford moved to amend the resolution by striking out all after the word *resolved*, and inserting the following: "That the President of the board of internal improvement be requested to lay before the Senate a statement of all the expenditures of the board since its organization; an account of all appropriations of money which have been made, and for what objects; and also, what contracts, if any, have been made by the board since the date of their annual report; which was carried. The resolution as amended was then agreed to.

Mr Perry introduced a bill to be entitled an act, to exempt garnishees from the payment of costs in certain cases; which was read and ordered to a second reading to-morrow.

Mr Hemphill introduced a bill to be entitled an act to define the prison bounds of the several counties of this State; which was read and ordered to a second reading to-morrow.

A bill to be entitled an act authorizing and legalizing the registration of deeds not heretofore recorded in legal time, was read the second time and referred to the committee on the judiciary.

A bill to be entitled an act to authorize Richard Darby to emancipate a certain slave therein named, was read the second time and ordered to lie on the table.

A bill to be entitled an act to compensate George M. Taylor for expenses incurred in the prosecution of David M. Smithson, charged with murder, was read the second time and referred to the committee on accounts.

Joint resolution proposing an amendment to the constitution of the State of Alabama, so as to limit the sessions of the General Assembly; and, joint resolution providing for the distribution of the laws of the United States; were severally read the second time and committed to the committee on the judiciary. *Ordered*, that the bill entitled an act to alter and amend the laws of usury, together with the amendments proposed thereto by the committee on the judiciary lie on the table till Wednesday next.

A bill to be entitled an act to repeal an act of the last General Assembly of the State of Alabama, appointing a board of Internal Improvement, was read the second time. Mr Jackson moved that the further consideration of the bill be indefinitely postponed; which was carried. Yeas 14—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Abercrombie, Conner, Crawford, Dupuy, Edmondson, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Smith and Vining.—Those who voted in the negative are, Messrs Bridges, Garth, Hemphill, Pickett, Powell and Walthall.

An engrossed bill to be entitled an act to prevent the citizens of this State from being sued in civil cases before any justice of the peace out of the beat in which they may respectively reside, was read the third time and the question being put, Shall the bill pass? it was carried. Yeas 15—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Abercrombie, Bridges, Conner, Crawford, Dupuy, Hemphill, Hubbard, Irwin, Jackson, Morton, Perry, Pickett, Smith and Walthall.—Those who voted in the negative are, Messrs Edmondson, Garth, Merriwether, Powell and Vining. So the bill was passed.

Ordered, that the title be as aforesaid and that it be sent to the House of Representatives for their concurrence.

A bill to be entitled an act to repeal the fourth section of an act entitled an act to revive in part a certain act therein specified, was read the second time and referred to the committee on the judiciary.

Engrossed memorial to Congress, relating to the boundary line between

the State of Alabama and West Florida; and, joint resolution to authorize the appointment of a commissioner, to act with such commissioner as may be appointed by the United States to define the line between this State and West Florida; were severally read the third time and passed. *Ordered*, that they be sent to the House of Representatives for their concurrence.

A message from the House of Representatives by Mr VanDyke: **Mr President**—The House of Representatives have read three several times and passed a bill which originated in the Senate, entitled, an act for the relief of certain persons therein named. They have also passed a bill which originated in their House, entitled an act to revive and continue in force an act to incorporate the town of Cahawba, passed Dec. 3, 1819. In which they desire the concurrence of the Senate.

The bill from the House of Representatives entitled an act to revive and continue in force an act to incorporate the town of Cahawba, passed Dec. 3d, 1819, was read and ordered to a second reading to-morrow.

The Senate took up and resumed the consideration of the bill entitled an act providing for the completion of the State Capitol.

Mr Powell moved that the bill be engrossed and made the order of the day for a third reading to-morrow; which was carried. Yeas 13—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Conner, Dupuy, Edmonson, Garth, Hogan, Hubbard, Jackson, Merriwether, Morton, Powell, Smith and Vining — Those who voted in the negative are, Messrs Abercrombie, Bridges, Crawford, Hemphill, Irwin, Perry, Pickett and Walhall.

A bill from the House of Representatives entitled an act to amend the act incorporating Marion Academy in Perry county, was read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act amendatory to the laws concerning divorce, was read the second time and committed to the committee on divorce and alimony.

Mr Powell presented the petition of E. W. Thomas, Meredith Moses and Daniel Davis, and of sundry inhabitants of Tuscaloosa county in their behalf, praying that they may have a further time to make payment for the 16th section in township 20. of range 5. west; which was read and referred to a special committee consisting of messrs. Powell, Morton and Edmonson.

A bill to be entitled an act to change the name of a certain person therein named; and, an act for the relief of Martha Williams—were severally read the second time and ordered to a third reading to-morrow.

A bill to be entitled an act to authorize Thomas McDonal to collect toll on a bridge across the Conecuh river, was read the second time and referred to the committee on roads, bridges and ferries.

A bill to be entitled an act to repeal in part an act therein mentioned, was read the second time and committed to the committee on the judiciary. *Ordered*, that the bill entitled an act concerning the establishment of public ferries lie on the table till to-morrow.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Tuesday, Nov. 30, 1830.—The Senate met pursuant to adjournment.

Mr Crawford, from the committee on education, submitted the following report: The committee on education to whom had been referred the petition of Aaron Livingston and others of the county of Wilcox, praying the General Assembly to legalize the sale of the 16th section in township 13, and range 8, in the county aforesaid; also, a counter petition and sundry accompanying documents, have had the subject under consideration, and respectfully report: That it appears to your committee from the documents presented, that controversies have arisen involving the rights of parties, which this

Legislature is incompetent to determine; they are therefore of opinion, that it is inexpedient to legislate upon the subject, in which they ask the concurrence of the Senate. Signed, **THO. CRAWFORD** *Chairman*.

The report was concurred in, and the committee discharged from the further consideration of the subject.

Mr Irwin, from the military committee, submitted the following report: The military committee to whom was submitted the Quartermaster General's annual report, ask leave to report that they have had the same under consideration, and have made personal inspection of the arms in charge of that officer, and it affords the committee much pleasure in testifying to the good order in which they are kept; and that in counting the arms they find the report correct: they therefore ask to be discharged from the further consideration thereof; which was agreed to.

Mr Hubbard, from the special committee to which was referred a bill to be entitled an act making further regulations for selling University lands, reported the same with sundry amendments; all of which were concurred in. *Ordered*, that the bill lie on the table till Thursday next, and that fifty copies thereof be printed for the use of the Senate.

Mr Hubbard, from the committee on the judiciary, to which was referred a bill to be entitled an act concerning dower, reported the same as amended; which was concurred in. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr Smith, from the special committee to which was referred bills entitled an act to manumit and set free a certain slave therein named; and an act to manumit and set free a certain slave therein named, and for other purposes, reported the same without amendment. *Ordered*, that the bills lie on the table till Thursday next.

Mr Morton introduced a bill to be entitled an act to repeal in part an act to establish La Grange college, approved January 19th, 1830; which was twice read and committed to the committee on education.

Mr Perry offered the following resolution: *Resolved*, that the committee on the judiciary be instructed to inquire into the expediency of allowing writs of error from decisions upon motions for new trials; which was adopted.

Mr Pickett introduced a bill to be entitled an act to increase the capital stock of the Bank of the State of Alabama; which was read and ordered to a second reading to-morrow.

Mr Smith introduced a bill to be entitled an act for the emancipation of slaves and transportation of free people of color to the coast of Liberia; which was read and ordered to a second reading to-morrow.

Mr Hemphill introduced a bill to be entitled an act to repeal in part and amend a certain act therein named; which was read and ordered to a second reading to-morrow.

Mr Smith introduced a bill to be entitled an act to extend the limits of Monroe county, and define the line between the counties of Monroe and Clarke; which was read and ordered to a second reading to-morrow.

Mr Crawford offered the following resolution: *Resolved*, that the committee on Indian affairs be instructed to inquire into the expediency of addressing a memorial to the President of the United States requesting him to adopt suitable measures to provide for the removal of such portion of the Creek Nation of Indians beyond the Mississippi as may be willing to emigrate to the country; which was adopted.

Mr Pickett offered the following resolution: *Resolved*, with the concurrence of the House of Representatives, that the two Houses of the General Assembly will adjourn *sine die* on the 18th of December, of the present year; which was adopted.

A message from the House of Representatives by Mr VanDyke: Mr President—The House of Representatives have read three several times and passed bills which originated in their House, entitled an act for the relief of Thomas E. Tartt; an act for the relief of Edmond Prince; an act more effectually to secure the payment of jurors in the county of Lowndes: and, and, an act to compensate Jack Shackleford, receiver of public moneys at the land office at Courtland, for certain services therein named: in all of which they desire the concurrence of the Senate.

The bills mentioned in the foregoing message were severally read the first time in the Senate, and ordered to a second reading to-morrow.

Mr Hemphill offered the following resolution: *Resolved*, that the committee on the state printing inquire into the expediency of furnishing by law the commissioners of the roads and revenue with the laws and journals, and that they report by bill or otherwise; which was adopted.

Mr Powell, from the special committee to which was referred a petition on the subject, reported a bill to be entitled an act extending relief to Daniel Davis, Meredith Moses and E. W. Thomas; which was twice read and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to extend the jurisdiction and laws of the State of Alabama throughout the chartered limits of the State, was read the second time. *Ordered*, that the bill lie on the table, and that twenty-five copies thereof be printed for the use of the Senate.

Mr Hubbard, from the committee on the judiciary, to which was referred a bill to be entitled an act more effectually to prevent judges of the circuit and county courts from charging juries on matters of fact, and the better to secure the right of trial by jury, reported the same as amended, by striking out all after the enacting clause and substituting the following: "That in all jury trials hereafter had, it shall not be lawful for the judges presiding to give any charge to the juries whatever unless the same shall be demanded by one of the parties or their attorneys; in which event it shall be the duty of the party requesting such charge to write it down, which the judge presiding may reject or alter: And if the judge shall in any manner charge differently from such written request, he shall write down such variation, which charge shall go to the jury trying the cause. Sec. 2. *And be it further enacted*, That the charge asked for and rejected, and the charge given the jury shall form a part of the record in the cause.

The question being put on concurring in the amendment proposed by the committee, was determined in the negative. Yeas 8—Nays 12.

The yeas and nays being desired those who voted in the affirmative are, Mr President, Bridges, Crawford, Hubbard, Irwin, Perry, Smith and Walthall.—Those who voted in the negative are, Messrs Abercrombie, Conner, Dupuy, Edmondson, Garth, Hemphill, Hogan, Jackson, Merriwether, Pickett, Powell and Vining.

Ordered, that the bill be committed to a special committee; whereupon, messrs Jackson, Perry and Pickett were appointed.

A bill to be entitled an act giving to the county courts jurisdiction of offences committed by slaves; and an act to authorize the commanding officers of the forty-sixth regiment of Alabama militia, to form a company of a less number than forty privates; were severally read the second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to extend the powers of the county court of Dallas county in relation to roads, was read the second time and referred to the committee on roads, bridges and ferries.

And then the Senate adjourned till to-morrow morning at 9 o'clock.

Wednesday, Dec. 1, 1830.—The Senate met pursuant to adjournment.

Mr Crawford, from the special committee to which was referred a bill to be entitled an act better to regulate the issuing licenses to retailers of spirituous liquors, reported the same without amendment. *Ordered* that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr Hubbard, from the committee on the judiciary to which was referred joint resolution proposing an amendment to the constitution of the State of Alabama so as to limit the sessions of the General Assembly thereof, reported that it is inexpedient in the opinion of the committee to pass the resolution, and they recommend the passage of a law embracing that object. Mr Irwin moved that the resolution and report lie on the table till the first day of March next, which was lost. Yeas 7—Nays 12.

The yeas and nays being desired those who voted in the affirmative are, Mr President, Hemphill, Hubbard, Irwin, Morton, Powell and Vinng.—Those who voted in the negative are, Messrs Abercrombie, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Jackson, Merriwether, Perry, Pickett and Walthall.

Mr Jackson moved that the Senate disagree to the report of the judiciary committee; a division of the question being called for, the vote was taken on disagreeing to that part of the report saying that it is inexpedient to pass the resolution, and determined in the affirmative. Yeas 10—Nays 9.

The yeas and nays being desired those who voted in the affirmative are, Messrs Conner, Crawford, Dupuy, Hemphill, Irwin, Jackson, Morton, Perry, Pickett and Walthall.—Those who voted in the negative are Mr President, Abercrombie, Bridges, Edmondson, Garth, Hubbard, Merriwether, Powell and Vinng.

Mr Morton who voted in the majority, moved to reconsider the vote of the Senate on Mr Jackson's motion to disagree to the report of the committee on the judiciary; which was carried. Mr Powell moved that the Senate concur in the report of the committee on the judiciary, recommending the inexpediency of passing the resolution; which was carried. Yeas 12—Nays 8.

The yeas and nays being desired those who voted in the affirmative are, Mr President, Bridges, Edmondson, Garth, Hemphill, Hogan, Hubbard, Irwin, Merriwether, Morton, Powell and Vinng.—Those who voted in the negative are, Messrs Abercrombie, Conner, Crawford, Dupuy, Jackson, Perry, Pickett and Walthall.

Mr Jackson moved that the Senate disagree to that part of the report of the committee on the judiciary recommending the passage of a law embracing the object of the resolution. Mr Perry moved that the report lie on the table. Mr Irwin moved to amend the motion by adding the words "until the first of March next;" which was carried. The report made by Mr Perry as amended was then agreed to.

Mr Hubbard, from the committee on the judiciary to which was referred a resolution of the Senate on the subject, reported a bill to be entitled an act providing for digesting the laws of the State of Alabama; which was read and ordered to a second reading to-morrow.

Mr Hubbard from the same committee to which was referred so much of the Governor's annual communication as relates to an alteration of that part of the constitution, which provides that each judicial circuit shall be composed of not more than six counties, reported resolutions proposing certain amendments to the constitution of the State of Alabama; which were read and ordered to a second reading to-morrow.

Mr Hubbard, from the same committee to which was referred a joint resolution providing for the distribution of the laws of the United States, reported the same as amended; which was concurred in. *Ordered*, that the resolution lie on the table till to-morrow.

Mr Hubbard, from the same committee to which was referred a bill to be entitled an act to repeal in part an act therein mentioned, reported the same

without amendment. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr President laid before the Senate the annual report of the State Treasurer, presenting the operations of the Treasury of this State for the year commencing with the 27th Nov. 1829. and ending with the 26th Nov. 1830. *Ordered*, that the report lie on the table, and that two hundred and fifty copies thereof be printed for the use of the Senate.

Mr Dupuy presented the annual report of the Comptroller of public accounts, comprising an account of the financial concerns of the State for the last year ending 26th Nov. 1830. *Ordered*, that the report and accompanying documents lie on the table, and that two hundred and fifty copies thereof be printed for the use of the Senate.

Mr Smith offered the following resolution: *Resolved*, that the special committee to whom was referred so much of the Governor's message as relates to public lands, be instructed to take into consideration the propriety of memorializing Congress to extend the provisions of the act of Congress passed the 31st March 1830, entitled an act for the relief of purchasers of public lands, particularly so far as relates to granting pre-emption rights and script on forfeited land stock; which was adopted.

Mr Jackson called up the report of the commissioners appointed pursuant to an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river and for other purposes, passed 15th Jan. 1830, made in obedience to a provision of that act. *Ordered*, that the report be committed to a special committee; whereupon, messrs Jackson, Hubbard and Edmondson were appointed.

A bill to be entitled an act to extend the limits of Monroe county, and define the line between the counties of Monroe and Clarke; and, an act to increase the capital stock of the Bank of the State of Alabama, were severally read the second time and ordered to be engrossed for a 3d reading to-morrow.

A bill to be entitled an act for the emancipation of slaves and transportation of free persons of color to the coast of Liberia. was read the second time and committed to the committee on the judiciary.

A bill to be entitled an act to repeal in part and amend a certain act therein named, was read the second time and committed to a special committee consisting of messrs Irwin, Hemphill and Morton.

A bill to be entitled an act for the relief of Thomas E. Partr, was read the second time and referred to a special committee consisting of messrs Perry, Merriwether and Walthall.

A bill to be entitled an act for the relief of Edmund Prince, was read the second time and committed to the committee on education.

A bill to be entitled an act more effectually to secure the payment of jurors in the county of Lowndes, was read the second time and ordered to a third reading to-morrow.

A bill to be entitled an act to compensate Jack Shackleford, receiver of public moneys at the land office at Courtland, for certain services therein named, was read the second time and referred to the committee on inland navigation.

An engrossed bill to be entitled an act extending relief to Daniel Davis, Meredith Moses and E. W. Thomas, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act giving to the county courts jurisdiction of offences committed by slaves, was read the third time and ordered to lie on the table till to-morrow.

And then the Senate adjourned till to-morrow morning at 9 o'clock.

Thursday, Dec. 2, 1830.—The Senate met pursuant to adjournment.

Mr Powell, from the joint committee on enrolled bills, reported as correctly enrolled, an act for the relief of certain persons therein named, which was accordingly signed by Mr President.

Mr Morton, from the committee on roads, bridges and ferries to which was referred a bill to be entitled an act to authorize Thomas M. Donal, to collect toll on a bridge across the Conecuh river, reported the same without amendment. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to morrow.

Mr Morton, from the same committee to which was referred a bill to be entitled an act to extend the powers of the county court of Dallas county in relation to roads, reported the same without amendment. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr Garth, from the committee on the State Bank, submitted the following report:

The committee on the State Bank, to whom was referred so much of the Message of his Excellency the Governor as relates to the establishment of two Branches, one in the southern, and the other in the northern part of the State, have had that subject under consideration, and directed the following report: That the profitable and judicious management of the State Bank has exceeded the most favorable expectations of its friends; that it commenced business in 1825, and from that time to the present, it has been in a continued course of profitable business; that its profits the last twelve months has doubled what it made in 1826; and your committee look forward with a reasonable hope, that by supporting the Bank and keeping down expenses, this State will, in a few years, enjoy the enviable felicity of supporting the State government without direct taxes on the people, or the necessity of having a collector riding through each county collecting taxes. Your committee duly consider the inconvenience the good people experience residing at a distance from the State Bank, and it is what they would be glad to remedy; that your committee are of opinion, that it is better to submit to that inconvenience, than to have two or more branches at this time, with the present limited Bank capital. The Bank being at the seat of government, is annually examined by a committee of each branch of the Legislature, who investigate all its transactions; examine the books; count the money; examine the votes of the Directors, and see whether every thing has been managed for the interest of the State; and from the acquaintance of the members with the citizens of Tuscaloosa, they are prepared to select Directors from their own knowledge of qualification, and are not dependant on the representatives from the county, which would not be the case if there were branches at a distance from the seat of government. The legislature would be governed very much from the recommendation of members elected from the county where the bank was located; which would soon produce parties in the county, striving for the direction of the bank, to answer their private interest, it would be impracticable for the legislature to examine the situation of the bank as well as it is done at the seat of government. It is now the practice, when the Directors discount a bad note, to examine and see how the note was recommended, and if there is any thing improper in the recommendation, to expose the person who recommends; and, if the fault is in the Directors, the censure is charged to them at the next election of Directors. Your committee will further suggest, that all expenses of the Bank as well as bad debts, operates as a tax on the people, and will cause the present high taxes to be continued; and any debts the bank loses the people have to pay; or, what is the same, they loose. Your committee will further state, that the expenses of the bank for the year 1830, was \$5,831 65, and that it has averaged that amount ever since it went into operation in 1825. Should the legislature create two branches, it is probable the expenses of each will be equal to the principal bank, making \$17,694, provided, the Directors are not paid. But, from recent suggestions, it is probable the Directors will be paid for their services; and, should two branches be established, would require 36 Directors at \$100 each, makes \$3,600 for the Directors, when added to \$17,-

\$94, amounts to \$21,294. Thus it appears, that the injury in point of expenses alone, is greater than any benefit to be derived from the branches at this time. Your committee are of opinion that the northern part of the State would not obtain as extensive accommodations by a branch, as they obtain at the principal Bank, as many of the southern counties prefer getting accommodations at other Banks than the State Bank, which has given a larger accommodation to the north than could be gotten by a branch, which will exclude them from any share of a surplus remaining in Bank, for counties not applying for their quota. Your committee therefore, report, that it is inexpedient, at this time, to Branch the State Bank of Alabama.

Ordered, that the report lie on the table

Mr Morton, from the committee on roads, bridges and ferries, to which was referred a resolution instructing them to inquire into the expediency of memorializing Congress on the subject of establishing a stage route from South Florence by way of Tusculumbia, to Tuscaloosa, and from thence to Mobile, asked to be discharged from the further consideration of the subject, as it is a matter that more properly belongs to the post office department. *Ordered*, that the report lie on the table.

Mr Crawford, from the committee on education, to which was referred a resolution instructing them to inquire into the expediency of electing an additional number of Trustees of the University of Alabama, reported a bill to be entitled an act to provide for the election of Superintending Trustees of the University of Alabama; which was read and ordered to a second reading to-morrow.

Mr Perry, from the special committee to which was referred a bill to be entitled an act for the relief of Thomas E. Tarrt, reported the same without amendment. *Ordered*, that the bill be made the order of the day for a third reading to-morrow.

Mr Irwin, from the special committee to which was referred a bill to be entitled an act to authorize the county court of Dale county to sell certain public buildings therein named, reported the same without amendment. The bill was then read the third time and passed. *Ordered*, that the Secretary acquaint the House therewith.

Mr Anderson introduced a bill to be entitled an act for the relief of William Jackson, which was read and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time and referred to a special committee consisting of messrs Anderson, Powell and Morton.

Mr Perry presented the account of Caleb Tate; which was referred to the committee on accounts and claims.

Mr Anderson introduced a bill to be entitled an act to abolish certain election precincts in the county of Pickens, and establish others in lieu thereof, which was read; and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time. Mr Powell offered the following amendment to the bill: And be it further enacted that there shall be an additional election precinct established at Hemphill's mill in the county of Tuscaloosa; which was adopted. *Ordered*, that the bill be committed to a special committee; whereupon messrs Hogan, Powell and Anderson were appointed.

Mr Hogan introduced a bill to be entitled an act to repeal in part and amend an act entitled an act establishing schools in the county of Mobile; which was read and ordered to a second reading to-morrow.

The following communication was received from the Governor by J. I. Thornton, Esq. Secretary of State:

EXECUTIVE DEPARTMENT, Dec. 1st, 1830.

The Hon. the President and members of the Senate,

Gentlemen—The act entitled an act to establish a Board of Internal Improve-

ment for the State of Alabama, having vested the interest of the three per cent fund in that Board, and made it entirely subject to their control. I recommend to your legislative consideration the propriety of some enactment providing for the payment of the expenses which have been and are likely to be incurred in the execution of the law passed at the last session of the General Assembly, "appointing commissioners to mark and lay out a road therein specified," some of the gentlemen, commissioners, have reported to this department the performance of their duty, and applied for their compensation, for the payment of which there exists no authority under existing laws. I have received the resignation of the Hon. G. W. Brame, judge of the county court of Perry county. I have the honor to be most respectfully your obedient servant.

GABRIEL MOORE.

Ordered, that so much of the communication as relates to the report of the commissioners appointed to mark and lay out a certain road therein specified, be referred to the committee on roads, bridges and ferries.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives did on yesterday, the first day of December instant, adopt the following resolution, in which they desire the concurrence of the Senate: *Resolved*, that with the concurrence of the Senate the two Houses will assemble in the Representative Hall on to-morrow at 12 o'clock for the purpose of electing a judge of the county court of Perry county, to fill the vacancy occasioned by the resignation of the Hon. George W. Brame.

Mr Hogan moved to amend the resolution by striking out "*twelve*" and inserting "*eleven o'clock, A. M.*," which was carried. The resolution as amended was then concurred in. *Ordered*, that the Secretary acquaint House of Representatives therewith.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have read three several times and passed bills which originated in their House, entitled an act requiring the sheriff of Tuscaloosa county to return a list of the qualified jurors in his county at different times than those now prescribed by law; and, an act more effectually to secure the compensation allowed by law to jurors therein mentioned: in which they desire the concurrence of the Senate.

The bills mentioned in the foregoing message were severally read the first time in the Senate and ordered to a second reading to-morrow.

Mr Crawford called up the report of the committee of the Trustees of the University on University regulations, which accompanied the Governor's message, recommending the adoption of a plan for the admission of students into the University. *Ordered*, that the report be committed to the committee on education.

Mr Irwin offered the following resolution: *Resolved*, that the Secretary of State be directed to inform the Senate what number of the acts of Congress remain in his office for distribution in pursuance of the laws of this State, what number if any, have been distributed, and to what counties; which was adopted.

Mr Walthall called up the resolution from the House of Representatives proposing with the concurrence of the Senate to proceed to the election of a Senator to the Congress of the United States for the term of six years, commencing from and after the 4th of March next. Mr Walthall moved to amend the resolution by striking therefrom the words "this day at the hour of 1 o'clock, P. M.," and inserting the words "on Friday the 3rd instant at the hour of 11 o'clock," so as to proceed to the election on to-morrow at 11 o'clock; which was carried. The resolution as amended was then concurred in. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Pickett offered the following resolution: *Resolved*, that the committee on inland navigation be instructed to inquire into the expediency of appropriating a portion of the three per cent fund to the removal of the obstructions in the Coosa river so as to afford a safe navigation for flat boats to descend the river at an ordinary stage of water; which was adopted.

Mr Anderson offered the following resolution: *Resolved*, that the committee on education be instructed to inquire into the expediency of amending the charter of incorporation of La Grange College in the county of Franklin; which was adopted.

Mr Crawford offered the following resolution: *Resolved*, that the President of the Board of Trustees of the University of Alabama be requested to lay before the Senate a list of all the University lands which have been sold at seventeen dollars per acre or upwards, exhibiting the purchaser's name, the county of his residence, and the price which the land originally sold for, and also what number of such purchasers have made full payment for their land; which was adopted.

Mr Bridges gave notice that he would on to-morrow move to amend the 8th rule heretofore adopted for the government of the Senate, as follows: after the words "to postpone to a day certain," add the words "within the session."

An engrossed bill to be entitled an act providing for the completion of the State Capitol, was read the third time, and the question being put, Shall the bill pass? it was decided in the affirmative. Yeas 13—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Anderson, Conner, Dupuy, Edmondson, Garth, Hogan, Hubbard, Jackson, Merriwether, Morton, Powell and Vining — Those who voted in the negative are, Messrs Abercrombie, Bridges, Crawford, Hemphill, Irwin, Perry, Pickett and Walshall.

Ordered, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Bills from the House of Representatives entitled an act to change the name of a certain person therein named; and, an act for the relief of Martha Williams—were severally read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

An engrossed bill to be entitled an act concerning dower, was read the third time, and the question being put, Shall the bill pass? it was decided in the negative. Yeas 10—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie, Anderson, Bridges, Crawford, Dupuy, Hubbard, Irwin, Morton, Perry and Pickett.— Those who voted in the negative are, Mr President, Conner, Edmondson, Garth, Hogan, Jackson, Merriwether, Powell Vining and Walshall.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives concur in the amendment made by the Senate to the resolution proposing to go into the election of a judge of the county court of Perry county.

The following communication was received from the Governor by Mr Thornton:

TUSCALOOSA, Dec. 2nd, 1830.

The Hon the President and Members of the Senate.

Gentlemen: In reply to your resolution requesting the President of the Board of Internal Improvement to "lay before the Senate a statement of all the expenditures of the Board since its origination, an account of all appropriations of money which have been made and for what objects, and also what contracts, (if any,) have been made by the Board since the date of their annual report," I herewith transmit to your honorable body the accompanying report of the Secretary of

the Board of Internal Improvement, which will be found to contain all the information solicited in the power of the Board to communicate. I have the honor to be, most respectfully your obedient servant.

GABRIEL MOORE.

President of the Board

Ordered, that the communication and accompanying report lie on the table.

An engrossed bill to be entitled an act to authorize the forty-sixth regiment of Alabama militia to form a company beat with a less number than forty privates in the county of Dale, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act to extend the limits of Monroe county, and define the line between the counties of Monroe and Clarke, was read the third time and ordered to lie on the table.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have adopted the following resolution: *Resolved*, that the Senate be now invited into the Representative Hall for the purpose of going into the election of a judge of the county court of Perry county; whereupon the members of the Senate repaired to the Hall of the House of Representatives, and having taken the seats assigned them, Mr President arose and announced the object of the meeting, when the two Houses proceeded to the election of a judge of the county court of Perry county to fill the vacancy occasioned by the resignation of George W. Brame, Esq. Dunklin Sullivan alone being in nomination. For Mr Sullivan 89 votes.

Those who voted for Mr Sullivan are, Mr President, Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Edmundson, Garth, Hemphill, Hogan, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Pickett, Powell, Smith, Vining and Walshall.—Reps. Mr Speaker, Acklan, Baker, Barclay, Boyd, Brodnax, Brown, Clark, Clough, Coker, Collins, Conner, Cook, Coopwood, Cunningham, Dabose, Dillahunty, Durand, Everett, Faulk, Gayle, Gilbreath, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Hodson, Jackson, Kilpatrick, King of J. King of M. King of P. Lane, Langford, Lawler, Lea, Mardis, Massey, McCollum, McVay, Metcalfe, Mobley, Moore of M. Moore of W. Murphree, Musgrove, Oliver, Philpot, Price, Rather, Riddle, Richardson, Roberts, Ross, Rugeley Sanders, Scott, Shortridge, Stevens, Taylor, Townsend, Walker, Ward, Williams and Young.

Dunklin Sullivan having received all the votes present, was declared by Mr Speaker to be duly elected judge of the county court of Perry county. The election being completed, the Senate withdrew to their own chamber, and Mr President resumed the chair.

And then the Senate adjourned till to morrow morning at 9 o'clock.

Friday, Dec. 3, 1830.—The Senate met pursuant to adjournment.

Mr Perry presented the account of Charles Lewis against the State; which was referred to the committee on accounts and claims.

Mr Crawford, from the committee on education to which was referred a bill to be entitled an act for the relief Edmund Prince, reported the same without amendment. The bill was then read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Irwin, from the special committee to which was referred a bill to be entitled an act to repeal in part and amend a certain act therein named, reported the same without amendment. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr Anderson, from the special committee to which was referred a bill to be entitled an act for the relief of William Jackson, reported the same as amended; which was concurred in. The bill being considered as engrossed, was read the third time and passed. *Ordered*, that the title of the

bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Garth, from the committee on the judiciary to which was referred a bill to be entitled an act to repeal the fourth section of an act entitled an act to revive in part a certain act therein specified, reported the same as amended; which was concurred in. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr Perry introduced a bill to be entitled an act to authorize attorneys of adjoining States to practice law in this State under certain restrictions; which was read and ordered to a second reading to-morrow.

Mr Hubbard presented the petition of Benjamin M. Bradford, register of the land office at Courtland, praying to be refunded the amount expended by him in the purchase of a map for the use of his office; which together with the account of Benjamin M. Bradford, was referred to the committee on accounts and claims.

Mr Jackson offered the following resolution: *Resolved*, that the door keeper be directed to have the carpeting procured by a resolution of the Senate of the last General Assembly, laid down on the lobby of the Senate chamber; which was adopted.

Mr Abercrombie offered the following resolution: *Resolved*, that the military committee inquire into the expediency of forming two regiments in the county of Montgomery, and that they report by bill or otherwise; which was adopted.

Mr Hemphill offered the following resolution: *Resolved*, that the committee on the judiciary be instructed to inquire into the expediency of allowing each assessor and tax collector a deputy assessor and collector, and that they report by bill or otherwise; which was adopted.

The Senate resumed the consideration of the resolution from the House of Representatives, approving the administration of Andrew Jackson, President of the United States, and recommending him to the other States of the Union for re-election to the office of President after his present term shall expire. Mr Hogan moved that the Senate disagree to the report of the special committee made on the 26th ultimo, proposing an amendment to the resolution; a call of the House being demanded, the resolutions were according to a rule of the Senate laid on the table for one hour.

An engrossed bill to be entitled an act to authorize Thomas McDonal to collect toll on a bridge across the Conecuh river, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A bill from the House of Representatives, entitled an act for the relief of Thomas E. Tarrt, was read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to repeal in part and amend an act entitled an act establishing schools in the county of Mobile, was read the second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act requiring the sheriff of Tuscaloosa county to return a list of the qualified jurors in his county at different times than those now prescribed by law, was read the second time and ordered to a third reading to-morrow.

Mr Hubbard, from the committee on the judiciary to which was referred a resolution on the subject, reported a bill to be entitled an act for the relief of Sheriffs serving process in the Indian nation; which was read and ordered to a second reading to-morrow.

Mr Powell who voted in the majority, moved to reconsider the vote of

the Senate on the passage of the bill to be entitled an act concerning dower; which was carried. Yeas 13.—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Abercrombie, Bridges, Conner, Crawford, Dupuy, Hemphill, Hubbard, Irwin, Perry, Pickett Powell and Smith.—Those who voted, in the negative are, Messrs Edmondson, Garth, Hogan, Jackson, Merriwether, Morton, Vining and Walthall.

The question being about to be put on the passage of the bill, Mr Jackson demanded a call of the Senate. The absent members coming in, and the Senate being full, Mr President proposed to put the bill upon its passage. Mr Jackson insisted that whenever a call of the House was required the subject under consideration, according to a rule of the Senate, laid on the table for one hour. Mr President decided that the object of the rule was to secure the vote of all the members on questions before the Senate, and that whenever the House was full the reason of the rule ceased. From this decision Mr Jackson appealed to the Senate; and the question being put, Will the House sustain the decision of the chair? it was decided in the negative. Yeas 9—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Conner, Hubbard, Irwin, Morton, Perry, Pickett, Smith and Walthall.—Those who voted in the negative are, Messrs Abercrombie, Anderson, Bridges, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hogan, Jackson, Merriwether, Powell and Vining. So the decision of the President was over-ruled.

A bill to be entitled an act more effectually to secure the compensation allowed by law to jurors therein mentioned, was read the second time and ordered to a third reading to-morrow.

An engrossed bill to be entitled an act to extend the powers of the county court of Dallas county in relation to roads, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act to increase the capital stock of the Bank of the State of Alabama, was read the third time. Mr Jackson moved that the further consideration of the bill be indefinitely postponed; which was lost. Yeas 11—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie, Anderson, Dupuy, Edmondson, Garth, Hemphill, Jackson, Morton, Powell, Vining and Walthall.—Those who voted in the negative are, Mr President, Bridges, Conner, Crawford, Hogan, Hubbard, Irwin, Merriwether, Perry, Pickett and Smith.

Mr Smith moved to fill the blank in the bill with the sum of "five hundred thousand dollars," where it reads thus: "that the Governor, Comptroller, and Treasurer of the State, and the President of the Bank of the State of Alabama, are hereby authorized and required to issue certificates of stock of the State of Alabama to an amount not exceeding ———, to bear interest not exceeding five per cent per annum," &c. which motion was lost. Yeas 5—Nays 17.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Conner, Crawford, Hogan, Morton and Smith.—Those who voted in the negative are, Messrs President, Abercrombie, Anderson, Bridges, Dupuy, Edmondson, Garth, Hemphill, Hubbard, Irwin, Jackson, Merriwether, Perry, Pickett, Powell, Vining and Walthall.

Mr Hogan moved to fill the blank with "three hundred thousand dollars;" which was lost. Yeas 5—Nays 17.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President, Conner, Crawford, Hogan and Smith.—Those who voted in the negative are, Messrs Abercrombie, Anderson, Bridges, Dupuy, Edmondson, Garth, Hemp-

hill, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Pickett, Powell, Vining and Walthall.

Mr Bridges moved to fill the blank with *one hundred thousand dollars*; which was lost. Yeas 10—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President, Bridges, Conner, Crawford, Hubbard, Irwin, Merriwether, Perry, Pickett and Smith.—Those who voted in the negative are, Messrs Abercrombie, Anderson, Dupuy, Edmondson, Garth, Hemphill, Hogan, Jackson, Morton, Powell, Vining and Walthall.

Mr Abercrombie moved that the bill lie on the table till the first day of June next; which was carried. Yeas 12—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie, Anderson, Dupuy, Edmondson, Garth, Hemphill, Hogan, Jackson, Morton, Powell, Vining and Walthall.—Those who voted in the negative are, Messrs President, Bridges, Conner, Crawford, Hubbard, Irwin, Merriwether, Perry, Pickett and Smith.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have read three several times and passed bills which originated in their House, entitled an act to change the names and render legitimate, certain persons therein named; an act to establish an academy in the county of Mobile; an act to furnish each commissioner of revenue and roads with the statutes of this State; and, an act to allow further time for filing county claims: in all of which, they desire the concurrence of the Senate.

The bills mentioned in the foregoing message, were severally read the first time in the Senate, and ordered to a second reading to morrow.

The following communication was received from J. I. Thornton, Esq. Secretary of State:

SECRETARY OF STATE'S OFFICE, Dec. 3, 1830.

The Honorable the President of the Senate.

SIR—In compliance with a resolution of the Senate of yesterday, "directing the Secretary of State to inform the senate what number of the acts of Congress remain in his office for distribution in pursuance of the laws of this State," I have the honor to state that there is now in this office, 126 copies of the acts of the Congress of the United States for the year 1827, and 120 copies for the year 1828. The acts and documents for the year 1829 have not been received, but are now at Mobile, delayed in consequence of the lowness of the Warrior river. I am not informed what number has been distributed under the act approved January 15, 1828, requiring the Governor then in office and his successors, to distribute to the clerks of the several county courts, one copy of the acts of the Congress then in session, as well as the acts of the subsequent sessions. The Senate may wish to know, although not called for by the resolution, the number of acts now in this office, of the sessions previous to 1827: with due diffidence, I will submit the following statement: to wit, 20 copies of 1819, 27 copies of 1820, 90 copies of 1821, 93 copies of 1822, 107 copies of 1823, 115 copies of 1824, 120 copies of 1825 and 126 copies of 1826. I have the honor to be, with respect, your obedient servant. JAMES I. THORNTON.

Ordered, that the communication lie on the table.

The Senate took up and resumed the consideration of the resolutions from the House of Representatives, approving the administration of Andrew Jackson, President of the United States, and recommending him to the other States of the Union for re-election to the office of President, after his present term shall expire.

Mr Jackson moved to amend the amendment proposed by the special committee to whom the resolutions were referred, so as to retain the words "that their confidence in the fitness of Andrew Jackson for the office of President of the United States is increased," instead of the words "remains undiminished," which the committee proposed to substitute; which motion was carried. Yeas 13—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie, Conner, Garth, Hemphill, Hogan, Irwin, Jackson, Merriwether, Perry, Pickett, Powell, Smith and Walthall. — Those who voted in the negative are, Messrs President, Anderson, Crawford, Dupuy, Edmondson, Hubbard and Vining.

Mr Hogan moved that the Senate disagree to the amendment proposed by the special committee to the resolutions, as amended; which was carried. Yeas 15—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President, Abercrombie, Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hogan, Morton, Perry, Powell, Smith, Vining and Walthall. — Those who voted in the negative are, Messrs Anderson, Hubbard, Irwin, Jackson and Merriwether.

The resolutions were then read the third time as received from the House of Representatives, and adopted without amendment. Yeas 20 - Nays none.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President, Abercrombie, Anderson, Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hogan, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Powell, Smith, Vining and Walthall.

Ordered, that the Secretary acquaint the House of Representatives therewith.

The following communication was received from the Governor, by J. I. Thornton, Esq. Secretary of State :

EXECUTIVE DEPARTMENT, Dec. 3, 1830.

The Honorable President and members of the Senate.

GENTLEMEN—In reply to your resolution, requesting the Board of Trustees of the University of Alabama to lay before the Senate a list of all the University Lands which have been sold at seventeen dollars per acre or upwards, exhibiting the purchaser's name, the county of his residence, and the price which the land sold for originally; and also what number of purchasers have made full payment, I beg leave to tender you the accompanying transcript, from the Books of the Board, made out under the inspection of the agent, as containing the information sought by said resolution. I have the honor to be, very respectfully, your obedient servant.

GABRIEL MOORE.

Ordered, that the communication and accompanying document lie on the table till to-morrow.

On motion of Mr Perry, ordered, that Mr Walthall have leave of absence from the Senate, till Tuesday morning next, after to-day.

On motion of Mr Powell, ordered, that Mr Merriwether have leave of absence till Tuesday next.

And then the Senate adjourned till to-morrow morning 10 o'clock.

Saturday, Dec. 4, 1830.—The Senate met pursuant to adjournment.

Mr Powell presented the petition of Thomas Maxwell, praying that his natural son Thomas Maxwell, may be legitimated; which was referred to a special committee, consisting of Messrs Powell, Smith and Garth.

Mr Powell presented the account of Dugald McFarlane, against the State; which was referred to the committee on accounts and claims.

Mr Powell also presented the account of James Rather, against the State; which was referred to the same committee.

Mr Crawford, from the committee on education to which was referred a bill to be entitled an act to repeal in part an act to establish La Grange College, approved 19th January, 1830, reported the same as amended; which was concurred in.

Ordered, that the bill lie on the table till Wednesday next.

A message from the Governor by Mr Thornton: Mr President—I am requested by the Governor, to inform your honorable body, that he did, on the 2d instant, approve and sign the following bills: an act to change the name of Henry Dudley; an act to appoint commissioners to select a site for

the seat of justice in the county of Autauga, and for other purposes; an act for the relief of James G. Lyon, clerk of Mobile Circuit Court; and, on the d3 instant, an act to run and mark out the line from Hartgroves' old place, to Dums' old place, between the counties of Jefferson and Blount; and, an act for the relief of certain persons therein named: all of which, originated in the Senate.

Mr Jackson, from the special committee to which was referred a bill to be entitled an act for the relief of certain occupants of land in the counties of Morgan and Madison, reported the same without amendment. *Ordered*, that the bill be engrossed and made the order of the day for a third reading on Monday next.

Mr Jackson, from the special committee to which was referred sundry petitions on the subject, reported a bill to be entitled an act to enable the State of Alabama to sell and dispose of certain reserved lands therein named; which was read and ordered to a second reading on Monday next.

A message from the House of Representatives, by Mr Van Dyke: Mr President—The House of Representatives have concurred in the several amendments made by the Senate, to the bill entitled an act to authorize the county court of Dale county, to sell certain public buildings therein named.

Mr Crawford introduced a bill to be entitled an act to amend the laws relative to executors, administrators and guardians; which was read and ordered to a second reading on Monday next.

Mr Pickett introduced a joint resolution to authorize the Secretary of State to procure books and stationery, for the use of the State Departments and General Assembly; which was read and ordered to a second reading on Monday next.

Mr Jackson called up the bill to be entitled an act making further regulations for selling the University lands.

Mr Perry offered the following proviso to the end of the first section of the bill: "and provided further, that no person, under the provisions of this act, shall be authorized to relinquish or retain any less quantity than one half quarter section;" which was adopted, *Ordered*, that the bill, together with the report from the President of the Board of Trustees of the University, shewing the quantity of University lands sold at seventeen dollars and upwards, be referred to the committee on education.

Mr Hubbard called up the bill to be entitled an act to extend the jurisdiction and laws of the State of Alabama throughout the chartered limits of the State. Mr Anderson moved to amend the third section of the bill by inserting after the word *whatever*, where it reads thus: "that no Indian or descendant of such to the fourth generation shall be a witness in the trial of any criminal case where a white man may be upon trial; nor in any civil suit between white men; but may be witnesses for or against each other in any case *whatever*, and in civil causes in suits growing out of any contract between a white man and Indian," the following "and in all criminal cases in which an Indian may be a party;" which was carried. Yeas 10—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Anderson, Bridges, Crawford Garth Hogan, Jackson, Powell, Smith and Vining.—Those who voted in the negative are, Messrs Abercrombie, Conner, Dupuy, Edmundson, Hemphill, Hubbard, Irwin, Percy and Pickett.

Mr Crawford offered the following amendment to the bill: *Sec. And be it further enacted*, that all marriages and matrimonial connexions or associations entered into by virtue of any usage or custom of said Indians, and by them deemed valid, be and the same are hereby declared to be as binding and obligatory as if the same had been solemnized according to the laws of this State: which was rejected. Yeas 9—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Anderson, Bridges, Crawford, Edmondson, Garth, Jackson, Powell and Vining.—Those who voted in the negative are, Messrs Abercrombie, Conner, Dupuy, Hemphill, Hogan, Hubbard, Irwin, Morton, Perry, Pickett and Smith.

Mr Bridges offered the following amendment to the bill: "and provided that this law shall not affect the Chickasaw or Choctaw tribe of Indians until the expiration of the time they stipulated by treaty with the United States to leave the country they at present occupy for another west of the Mississippi. Mr Powell moved to amend the proposed amendment, by adding the words "nor upon the Creeks and Cherokees for the same length of time;" which was rejected. The question was then put on the adoption of the amendment offered by Mr Bridges and decided in the negative, Yeas 8—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Anderson, Bridges, Crawford, Edmondson, Jackson, Powell and Vining.—Those who voted in the negative are, Messrs Abercrombie, Conner, Dupuy, Garth, Hemphill, Hogan, Hubbard, Irwin, Morton, Perry, Pickett and Smith.

Ordered, that the bill be engrossed and made the order of the day for a third reading on Monday next.

Mr Pickett offered the following resolution: *Resolved*, that the committee on the judiciary be instructed to inquire whether litigants at law do not frequently harrass each other by having more witnesses summoned than are necessary, and if they should entertain the affirmative opinion, that they be instructed to report a bill to remedy the evil; which was adopted.

Mr Perry offered the following resolution: *Resolved*, that the committee on inland navigation be instructed to inquire into the expediency of creating a State Stock redeemable at a prescribed period and to bear an annual interest not exceeding six per cent, for the purpose of cutting a canal to unite the waters of the Tennessee with those of the Coosa river, or to clear out the obstructions to the navigation of said Coosa river; which was adopted.

And the Senate adjourned till Monday morning at 10 o'clock.

Monday, Dec. 6, 1830.—The Senate met pursuant to adjournment.

Mr President laid before the Senate, the memorial of Asa Hodges, of Lawrence county, complaining of the official conduct of Charles W. Peters, Judge of the county court of Morgan county, and of the official conduct of Matthew C. Houston, Clerk of the orphan's court of said county of Morgan, and praying that the charges in said memorial may be investigated, and that the said Peters may by an address to the Governor, be removed from his said office of Judge of the County Court. *Ordered*, that the memorial be referred to the committee on the judiciary, to examine and report thereon.

Mr Powell, from the joint committee on enrolled bills reported as correctly enrolled, an act for the relief of certain persons therein named; an act to change the name of certain persons therein named; an act for the relief of Martha Williams; an act to authorize the county court of Dale county to sell certain public buildings therein named; and, an act to amend the act incorporating Marion Academy in Perry county: all of which were accordingly signed by Mr President.

On motion of Mr Powell, ordered that Mr Vining be added to the committee on education, and to the committee on inland navigation.

Mr Morton, from the committee on roads, bridges and ferries to which was referred a resolution instructing them to inquire into the expediency of appropriating so much of the three per cent fund as will enable the judge and commissioners of roads and revenue of the county of Washington, to

cut out and bridge so much of the new State road leading from Coffeerville to Mobile as runs through Washington county, reported that it is inexpedient in the opinion of the committee to make such appropriation. *Ordered*, that the report lie on the table till Monday next.

Mr Morton, from the same committee to which was referred a resolution on the subject, reported a bill to be entitled an act to appropriate a part of the three per cent fund for certain purposes therein named; which was read and ordered to a second reading to-morrow.

Mr Crawford, from the committee on education to which was referred a bill to be entitled an act making further regulations for selling the University lands, reported the same with sundry amendments; all of which were concurred in.

Mr Crawford moved further to amend the first section of the bill by inserting after the word *upwards*, the words "and upon which one half of the purchase money shall have been paid," where the bill reads thus: "that all persons who may be in possession of as owners of any of the lands purchased from the University of Alabama at the price of seventeen dollars per acre or upwards, shall be authorized to make complete payment thereon by the relinquishment, &c.; which was lost. Yeas 2—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Crawford and Smith.—Those who voted in the negative are, Mr President, Abercrombie, Anderson, Bridges, Conner, Dupuy, Edmondson, Garth, Hemphill, Hogan, Hubbard, Irwin, Jackson, Morton, Perry, Pickett, Powell and Vining.

Mr Jackson moved that the bill be engrossed and made the order of the day for a third reading to-morrow; which was carried. Yeas 13—Nays 2.

The yeas and nays being desired those who voted in the affirmative are, Mr President, Abercrombie, Anderson, Bridges, Conner, Dupuy, Edmondson, Garth, Hemphill, Hogan, Hubbard, Irwin, Jackson, Morton, Perry, Pickett, Powell, and Vining.—Those who voted in the negative are, Messrs Crawford and Smith.

Mr Hogan, from the special committee to which was referred a bill to be entitled an act to abolish certain election precincts in the county of Pickens and establish others in lieu thereof, reported the same as amended; which was concurred in. *Ordered*, that the bill lie on the table.

Mr Anderson called up the resolution offered by him on the 18th of last month, instructing the committee on propositions and grievances to inquire into the expediency of reducing the taxes of this State. The question was put on the adoption of the resolution and carried.

Mr Jackson, from the special committee to which was referred the report of the Board of the Tennessee canal commissioners, reported a bill to be entitled an act supplemental to an act entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river and for other purposes; which was read and ordered to a second reading to-morrow.

On motion of Mr Crawford, ordered that Mr Perry be added to the committee on inland navigation.

Mr Perry offered the following resolution: *Resolved*, that the Governor be requested to transmit to the President of the United States, to the Executive of the different States, and to each of our Senators and Representatives in Congress a copy of the preamble and resolutions adopted at the present session of the Legislature of this State, approving the administration of Andrew Jackson, President of the United States, and recommending him to the other States of the Union for re-election after his present term shall expire; which was adopted.

Mr Garth offered the following resolution: *Resolved*, that the military committee be instructed to inquire into the situation of the arms in the

hands of the militia of this State, and to report such measures as they may think expedient for their preservation, and whether any legal enactment is necessary upon the subject; which was adopted.

Mr Hubbard introduced a bill to be entitled an act to reduce the fees of the clerk and attorneys of the Supreme Court; which was read. Mr Hubbard moved that the bill be made the order of the day for a second reading to-morrow; which was carried. Yeas 13—Nays 7.

The yeas and nays being desired those who voted in the affirmative are, Messrs Anderson, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hubbard, Irwin, Morton, Perry and Pickett.—Those who voted in the negative are, Mr President, Abercrombie, Hogan, Jackson, Powell, Smith and Vining.

Mr Abercrombie offered the following resolution: *Resolved*, that the committee on the judiciary be instructed to inquire into the expediency of reducing the fees of judges of orphan's courts, and sheriffs and clerks of the circuit and county courts, with leave to report by bill or otherwise; which was adopted.

Mr Morton called up the resolution offered by him on the 20th of last month, proposing the appointment of a committee to draft a memorial to the Congress of the United States, to authorize this State to reduce the minimum price of the lands granted to this State for the improvement of the Tennessee and other rivers, which have been offered for sale and yet remain undisposed of. Mr Jackson moved to amend the resolution by adding thereto the words, "or give us other lands in exchange therefor;" which was carried. The resolution as amended was adopted; whereupon, messrs Morton, Hubbard and Anderson were appointed the committee.

A bill from the House of Representatives entitled an act to revive and continue in force an act to incorporate the town of Cahawba, passed, Dec. 3d, 1819, was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Ordered, that the engrossed bill entitled an act concerning dower, lie on the table till Wednesday next.

An engrossed bill to be entitled an act to repeal in part an act therein mentioned, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act better to regulate the issuing of licenses to retailers of spirituous liquors, was read the third time, amended by way of ryder on Mr Powell's motion, and committed to a special committee, consisting of messrs Jackson, Powell and Crawford.

A bill from the House of Representatives entitled an act more effectually to secure the payment of jurors in the county of Lowndes, was read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

An engrossed bill to be entitled an act giving to the county courts jurisdiction of offences committed by slaves, was read the third time and committed to the committee on the judiciary.

An engrossed bill to be entitled an act to repeal in part and amend an act entitled an act establishing schools in the county of Mobile; and, an act to amend the fourth section of an act entitled an act to revive in part a certain act therein specified—were severally read the third time and passed. *Ordered*, that the titles of the bills be as aforesaid, and that they be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act to repeal in part and amend a certain act therein named, was read the third time and committed to a special committee, consisting of messrs Bridges, Hemphill and Hubbard, with instructions so to amend the same as to impose a tax on pedlars who sell clocks.

An engrossed bill to be entitled an act for the relief of certain occupants of lands in the counties of Morgan and Madison was read the third time. Mr Hubbard offered the following amendment to the bill by way of ryder: "and be it further enacted that all persons who may have made entries of their occupancies previous the closing of the land office by act of the last General Assembly, shall have until the first day of March next, after their several payments become due, to make their respective payments;" which was read three several times and adopted. The bill was then passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act to extend the jurisdiction of the State of Alabama throughout the chartered limits of the State, was read the third time and passed, *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Bills entitled an act to allow further time for filing couny claims; an act to change the names and render legitimate, certain persons therein named; and, an act to furnish each commissioner of revenue and roads, with the statutes of this State; were severally read the second time and ordered to a third reading to-morrow

A bill more effectually to secure the compensation allowed by law for jurors therein mentioned, was read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act for the relief of sheriffs serving process in the Indian nation, was read the second time and referred to the committee on the judiciary.

A bill to be entitled an act concerning the establishment of public ferries, was read the second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act requiring the sheriff of Tuscaloosa county to return a list of the qualified jurors in his county at different times than those now prescribed by law, was read the third time, and amended by way of ryder on Mr Powell's motion. Mr Jackson moved further to amend the bill by adding the county of Lauderdale after Tuscaloosa, so as to make the provision of the bill apply to Lauderdale county; which was carried. The bill was then passed as amended. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to authorize attorneys of adjoining States to practice law in this State, under certain restrictions, was read the second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to establish an academy in the county of Mobile, was read the second time and referred to the committee on education.

A bill to be entitled an act to define the prison bounds of the several counties of this State, and an act to exempt garnishees from the payment of cost in certain cases, were severally read the second time and referred to the committee on the judiciary.

A bill to be entitled an act to provide for the election of superintending trustees for the University of Alabama, was read the second time and referred to a special committee, consisting of Messrs Powell, Perry and Crawford.

Bills of the following titles, to wit: an act to authorize justices of the

peace to take bail in certain cases; an act to enable the State of Alabama to sell and dispose of certain reserved lands therein named; and, an act to divorce Eliza Boalt from Lewis Boalt; were severally read the second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to establish a State road from Harpersville, in Shelby county, by Columbiana and Maplesville, to Selma, was read the second time and referred to the committee on roads, bridges and ferries.

A bill to be entitled an act to amend the laws relative to executors, administrators and guardians, and, an act to provide for digesting the laws of the State of Alabama, were severally read the second time and referred to the committee on the judiciary.

Joint resolutions to authorize the Secretary of State to procure books and stationary for the use of the State Departments and General Assembly, was read the second time and referred to the committee on the judiciary.

Joint resolution providing for the distribution of the laws of the U. States, was taken up and ordered to be engrossed for a third reading to-morrow.

Joint resolution proposing certain amendments to the constitution of the State of Alabama, was read the second time; and the question being put, Shall the resolution be engrossed for a third reading to-morrow? it was decided in the negative.

Ordered, that the bill entitled an act to manumit and set free a certain slave therein named, and for other purposes, lie on the table till to-morrow.

On motion of Mr Hubbard, ordered, that Mr Powell be added to the committee on the judiciary.

Mr Pickett introduced a joint resolution, requiring the Secretary of State, or Comptroller of Public Accounts, to administer the oaths of office to the members of the General Assembly; which was read and ordered to a second reading to-morrow.

And then the Senate adjourned, till to-morrow morning at 10 o'clock.

Teursday, Dec. 7, 1830.—The Senate met pursuant to adjournment.

Mr Hubbard, from the committee on the judiciary to which was referred a resolution instructing them to inquire into the expediency of allowing each assessor and tax-collector, to have a deputy assessor and collector, reported that it is inexpedient, in the opinion of the committee, to legislate on the subject. *Ordered*, that the report lie on the table.

Mr Hubbard, from the same committee to which was referred a resolution instructing them to inquire whether litigants at law do not frequently harrass each other by having more witnesses summoned than are necessary, and if they should entertain the affirmative opinion, to report a bill to remedy the evil, reported that it is inexpedient, in the opinion of the committee, to legislate on the subject, the courts having sufficient powers already to remedy the inconvenience complained of. *Ordered*, that the report lie on the table.

Mr Hubbard, from the same committee submitted the following report:—The judiciary committee to whom was referred the memorial of Asa Hodges, exhibiting certain charges against Charles W. Peters, Judge of the orphan's court of Morgan county, and requesting his removal from office by address to the Governor, have had the subject under consideration, and the memorialist having made oath to the truth of the charges contained in his memorial, the committee have instructed me to report the following resolutions, and request their adoption by the Senate:—*Resolved*, that it shall be the duty of the President of this Senate, without delay, to notify the said Charles W. Peters, Judge, &c., of the charges exhibited against him by the memorialist; and, that this Senate will hear any answer or response, he

may choose to make. *Resolved further*, that the memorialist have leave to take depositions of any witness he may deem material in establishing the charges exhibited by him, after notice given of the foregoing charges to said Judge Charles W. Peters; and the said Charles W. Peters, Judge, &c., have the same privilege, which depositions may be taken before any justice of the peace, upon the party wishing the testimony, giving the opposite party reasonable notice of the time and place, of taking such deposition; which deposition, when taken and sealed up by the justice, shall be directed to the President of the Senate. *Be it further resolved*, that it shall be the duty of the President of the Senate to forward to each of the parties, a copy of the foregoing resolution; which resolutions were adopted.

Mr Hemphill offered the following resolution: *Resolved*, that the committee on roads, bridges and ferries, be instructed to inquire into the expediency of appropriating a portion of the three per cent. fund, to purchase a sufficient number of male slaves, to work on all the State roads, and to improve the navigable water courses, of the State, and that they report by bill or otherwise; which was adopted.

Mr Pickett offered the following preamble and resolution: Whereas, the deciding contested elections by the legislature, is at all times calculated to disturb the quiet deliberations of the body before whom the same is pending, and is productive of much expense to the State; *Be it therefore resolved*, that the committee on the judiciary, be instructed to inquire whether it is incompatible with the constitution of this State, to have contested elections decided by a tribunal other than the legislature; and, in case they should be of opinion that there is no prohibitory clause in the constitution, that they be instructed to report a bill to provide for deciding contested elections in each and every county; which was adopted.

Mr Perry introduced a bill to be entitled an act to incorporate Cahawba Academy, in the county of Dallas; which was read and ordered to a second reading to-morrow.

Mr Jackson presented the petition of C. B. Roundtree, of Lauderdale county, praying compensation for taking the census of said county, in the year 1820, as a deputy marshal; which was read and referred to the committee on propositions and grievances.

Mr Bridegs introduced a bill to be entitled an act prescribing the mode of trying contested elections for sheriffs, and other county officers; which was read and ordered to a second reading to-morrow.

Mr Dupuy presented the petition of Levy Robbins, praying compensation for time lost and money expended, in pursuing and arresting a person charged with the crime of horse stealing; which was read and referred to the committee on propositions and grievances.

Mr Powell, from the special committee to which was referred the petition of Thomas Maxwell, reported a bill to be entitled an act to render legitimate, Thomas Maxwell jr. the natural son of Thomas Maxwell; which was read and ordered to a second reading to-morrow.

Joint resolution, making it the duty of the Secretary of State, Comptroller or Treasurer, to administer the oaths of office to the members of the General Assembly, was read the second time and ordered to be engrossed or a third reading to-morrow.

A bill to be entitled an act supplemental to an act entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river and for other purposes, was read the second time and ordered to be engrossed for a third reading to-morrow.

Ordered, that the bill entitled an act to manumit and set free a certain

slave therein named and for other purposes, lie on the table till tomorrow.

A bill to be entitled an act to reduce the fees of the clerk and attorneys of the Supreme Court, was read the second time. Mr Anderson moved to amend the bill so as to include "solicitors and the attorney-general;" which was carried. *Ordered*, that the bill be committed to the committee on the judiciary.

A bill to be entitled an act to appropriate a part of the three per cent fund for certain purposes therein named, was read the second time and committed to a special committee, consisting of messrs Abercrombie, Powell and Pickett.

Mr Anderson introduced a bill to be entitled an act to amend the law in relation to divorces, which was read and ordered to a second reading tomorrow.

Engrossed bills to be entitled an act to authorize justices of the peace to take bail in certain cases; and, an act to enable the State of Alabama to sell and dispose of certain reserved lands therein named—were severally read the third time and passed. *Ordered*, that the titles of the bills be as aforesaid, and that they be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act to divorce Eliza Boalt from Lewis Boalt, was read the third time and passed by a constitutional majority. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Engrossed joint resolution providing for the distribution of the laws of the United States, was read the third time and passed. *Ordered*, that the title of the resolution be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act concerning the establishment of public ferries, was read the third time. Mr Perry offered the following amendment to the bill by way of rider: "provided no ferry shall be established within two miles of any established ferry, unless the owner or occupant of such established ferry shall have had at least twenty days notice of the time of application for the establishment of such ferry;" which was read. Mr Abercrombie moved the further consideration of the bill be indefinitely postponed; which was lost. Yeas 10—Nays 10.

The yeas and nays being desired those who voted in the affirmative are, Messrs Abercrombie, Anderson, Bridges, Crawford, Dupuy, Hemphill, Jackson, Perry, Powell and Vining.—Those who voted in the negative are, Mr President, Conner, Edmondson, Garth, Hubbard, Irwin, Merriwether, Morton, Pickett and Smith.

Ordered, that the bill, together with the proposed amendment, be committed to a special committee; whereupon, messrs Bridges, Smith and Hubbard were appointed.

An engrossed bill to be entitled an act to authorize attorneys of adjoining States to practice law in this State, under certain restrictions, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act making further regulations for selling the University lands, was read the third time, and the question being put, Shall the bill pass? it was decided in the affirmative. Yeas 16—Nays 2.

The yeas and nays being desired those who voted in the affirmative are, Mr President, Abercrombie, Anderson, Bridges, Conner, Edmondson, Garth, Hemphill, Hubbard, Irwin, Jackson, Merriwether, Perry, Pickett, Powell and Vining.—Those who voted in the negative are, Messrs Crawford and Smith. So the bill was passed.

Ordered, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A bill to be entitled an act to allow further time for filing county claims, was read the third time. Mr Bridges offered the following amendment to the bill by way of rider: "*And be further enacted*, that jury certificates shall not be required to be filed as other county claims, but shall be at all times payable at the county Treasury, and shall be receivable in payment for county taxes." *Ordered*, that the bill, together with the proposed amendment lie, on the table.

Bills from the House of Representatives entitled an act to furnish each commissioner of revenue and roads with the statutes of this State; and, an act to change the names and render legitimate certain persons therein named—were severally read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Pickett offered the following resolution: *Resolved*, that the committee on roads, bridges and ferries be instructed to inquire whether any alterations are necessary to be made in the laws of the State in relation to private roads, and that they report by bill or otherwise; which was adopted.

The Senate having gone through the orders of the day, adjourned till tomorrow morning at 10 o'clock.

Wednesday, Dec. 8, 1830.—The Senate met pursuant to adjournment.

Mr Crawford, from the committee on education to which was referred a bill to be entitled an act to establish an Academy in the county of Mobile, reported the same as amended. *Ordered*, that the bill, together with the proposed amendment, lie on the table.

Mr Hubbard, from the committee on the judiciary to which was referred a bill to be entitled an act for the emancipation of slaves and transportation of free people of color to the coast of Liberia, reported that it is inexpedient in the opinion of the committee to legislate on the subject. *Ordered*, that the bill together with the report lie on the table.

Mr Hubbard, from the same committee to which was referred a bill to be entitled an act to amend the laws relative to executors, administrators and guardians, reported the same without amendment. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr Perry, from the same committee to which was referred a joint resolution to authorize the Secretary of State to procure books and stationary for the use of the State Departments, and the General Assembly, reported the same as amended. The amendment proposed by the committee, being amended on Mr Jackson's motion, was concurred in. *Ordered*, that the resolution be engrossed and made the order of the day for a 3d reading tomorrow.

Mr Hubbard, from the same committee to which was referred a bill to be entitled an act providing for digesting the laws of the State of Alabama, reported the same as amended; which was concurred in. Mr Jackson moved to recommit the bill to the committee on the judiciary, with instructions so to amend the same as to fix and regulate the compensation to be allowed the Digester; which was carried. Yeas 12—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie, Anderson, Conner, Dupuy, Edmondson, Hemphill, Jackson, Merriweather, Morton, Pickett Vining and Walthall.—Those who voted in the negative are, Mr President, Bridges, Crawford, Garth, Hogan, Hubbard, Irwin and Perry.

Mr Morton, from the special committee to which was referred a resolution on the subject, reported a joint memorial to Congress on the subject of reducing the minimum price of certain lands therein named; which was twice read and committed to a special committee, consisting of messrs Hubbard, Jackson and Morton.

Mr Hubbard, from the committee on the judiciary to which was referred a bill to be entitled an act for the relief of sheriffs serving process in the In-

dian nation, reported the same as amended; which was concurred in. *Ordered*, that the bill be engrossed and made the order of the day for a third reading on to-morrow.

Mr Hubbard, from the same committee to which was referred a bill to be entitled an act giving to the county courts jurisdiction of offences committed by slaves, reported the same with an amendment; which was read three several times and adopted. Mr Perry moved to fill the first blank in the bill with "sixteen" where it reads thus: "except that slaves shall not have authority to challenge peremptorily more than——jurors;" which was carried. Yeas 13—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Abercrombie, Anderson, Bridges, Conner, Dupuy, Edmondson, Hemphill, Hogan, Jackson, Perry, Powell and Walthall.—Those who voted in the negative are, Messrs Crawford, Hubbard, Irwin, Merriwether, Pickett, and Vining.

Mr Anderson moved to fill the second blank in the bill with the word 'eight,' where it reads thus: "and the person appointed by the court to conduct the prosecution shall not be allowed to challenge peremptorily more than——jurors;" which lost. Yeas 1—Nays 17.

The yeas and nays being desired, Mr Anderson voted in the affirmative.—Those who voted in the negative are Mr President, Abercrombie, Bridges, Conner, Crawford, Dupuy, Edmondson, Hemphill Hubbard, Irwin, Jackson, Merriwether, Perry, Pickett, Powell, Vining and Walthall.

Mr Hubbard moved to fill the blank with 'four;' which was carried. Yeas 17—Nay 1.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Abercrombie, Bridges, Conner, Crawford, Dupuy, Edmondson, Hemphill, Hubbard, Irwin, Jackson, Merriwether, Perry, Pickett, Powell, Vining and Walthall.—Mr Anderson voted in the negative.

Ordered, That the bill be recommitted to the committee on the judiciary.

Mr Pickett, from the committee on propositions and grievances to which was referred the petition of Levi Robbins, reported a bill to be entitled an act to compensate Levi Robbins; for apprehending a horse thief; which was read, and the rules requiring bills to be read on three several days being dispensed with, the bill was read the second and third time forthwith and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Hubbard, from the committee on the judiciary to which was referred a bill to be entitled an act to exempt garnishees from the payment of costs in certain cases, reported the same with two several amendments, the first of which was concurred in. The question was put on concurring in the second amendment, which is as follows: "that in all cases in which a garnishee shall be summoned by a justice of the peace to appear and answer, and shall fail to do so, the justice shall tax him or them with the costs of such summons unless good cause be shewn for such failure;" and determined in the affirmative. Yeas 14—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Abercrombie, Crawford, Dupuy, Edmondson, Hemphill, Hogan, Hubbard, Jackson, Morton, Pickett, Powell, Smith and Walthall.—Those who voted in the negative are, Messrs Anderson, Bridges, Conner, Irwin, Merriwether, Perry, Vining.

Ordered, that the bill be engrossed and made the order of the day for a third reading tomorrow.

Mr Pickett, from the committee of propositions and grievances, submitted the following report: 'The committee of propositions and grievances to whom was referred a resolution instructing them to inquire into the expediency of reducing the taxes of this State, have instructed me to report

that the Constitution of this State provides that all subjects in relation to the fiscal concerns of this State shall originate in the House of Representatives. They therefore ask to be discharged from the further consideration of the subject; which was agreed to.

Mr Pickett, from the same committee, submitted the following report: The committee of propositions and grievances to whom was referred a resolution instructing them to inquire into the expediency and necessity of a law compelling owners of slaves to feed and clothe them in such manner as to afford them proper comfort and support, have instructed me to report that it is inexpedient to legislate on the subject; which was agreed to.

Mr Hubbard, from the committee on the judiciary to which was referred a bill to be entitled an act to define the prison bounds of the several counties of this State, reported the same as amended; which was concurred in.

Ordered. that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr Powell, from the joint committee on enrolled bills, reported as correctly enrolled, preamble and resolutions recommending Andrew Jackson for re-election to the office of President of the United States; an act more effectually to secure the compensation allowed by law to jurors therein mentioned; an act for the relief of Thomas E. Tartt; an act for the relief of Edmund Prince; and, an act more effectually to secure the payment of jurors in the county of Lowndes—all of which were accordingly signed by Mr President.

Mr Bridges, from the special committee to which was referred a bill to be entitled an act to repeal in part and amend a certain act therein named, reported the same as amended; which was concurred in. The question was then put, Shall the bill pass? and decided the negative. Yeas 9—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie, Conner, Dupuy, Hemphill, Hogan, Hubbard, Jackson, Morton, and Pickett.—Those who voted in the negative are, Mr President, Anderson, Bridges, Crawford, Edmondson, Irwin, Merriwether, Perry, Powell, Smith, Vining Walthall.

Mr Jackson; from the special committee to which was referred so much of the Governor's message as relates to the Muscle Shoals canal, asked to be discharged from the further consideration thereof, there being a bill already in progress on the subject; which was agreed to.

Mr Jackson, from the special committee to which was referred the petition of Thomas Garner and W. W. Gerrard, asked to be discharged from the further consideration thereof, a bill having already passed the Senate embracing the prayer of the petitioners; which was agreed to.

Mr Jackson, from the special committee to which was referred a bill to be entitled an act more effectually to prevent judges of the circuit and county courts from charging juries on matters of fact, and the better to secure the right of trial by jury, reported the same without amendment. Mr Jackson moved that the further consideration of the bill be indefinitely postponed; which was lost. Yeas 10—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie, Anderson, Crawford, Edmondson, Hemphill, Jackson, Merriwether, Pickett, Powell and Vining — Those who voted in the negative are, Mr President, Bridges, Conner, Dupuy, Hubbard, Irwin, Morton, Perry, Smith and Walthall.

The question was then put, Shall the bill be engrossed and made the order of the day for a third reading to morrow? and decided in the negative. Yeas 10—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Bridges, Conner, Dupuy, Hubbard, Irwin, Morton, Perry, Smith and Walthall.— Those who voted in the negative are, Messrs Abercrombie, Anderson,

Crawford, Edmondson, Garth, Hemphill, Jackson, Merriwether, Pickett, Powell and Vining. So the bill was lost.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have adopted the following resolution in which they desire the concurrence of the Senate: *Resolved*, that with the concurrence of the Senate, the two Houses of the General Assembly will on Monday the 13th instant, at 11 o'clock A. M. assemble in the Representative Hall for the purpose of going into the election of a Senator to the Congress of the United States, for the term of six years from and after the 4th day of March next. They concur in the several amendments made by the Senate to the bill entitled an act requiring the sheriff of Tuscaloosa county to return a list of the qualified jurors in his county at different times than those now prescribed by law;

On motion of Mr Abercrombie, ordered, that the resolution from the House of Representatives proposing to go into the election of a Senator to the Congress of the United States, lie on the table till Monday next.

Mr Dupuy introduced a bill to be entitled an act for the relief of the tax collector of Walker county for 1830; which was read and ordered to a second reading to-morrow.

A bill to be entitled an act to incorporate Cahawba Academy, in the county of Dallas, was read the second time. Mr Conner moved to amend the bill by striking out the name of William Curtis and inserting the name of Horatio G. Perry, as one of the Trustees; which was carried. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to-morrow.

A bill to be entitled an act prescribing the mode of trying contested elections for sheriffs and other county officers, was read the second time and referred to the committee on the judiciary.

A bill to be entitled an act to render legitimate, Thomas Maxwell, jr. the natural son of Thomas Maxwell, was read the second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to manumit and set free, a certain slave therein named, and for other purposes, was taken up, amended on Mr Vining's motion, and again laid on the table.

A bill to be entitled an act to amend the law in relation to divorces, was read the second time and committed to the committee on the judiciary.

A bill to be entitled an act to alter and amend the laws of usury, was taken up and committed to a special committee consisting of Messrs Jackson, Hubbard and Powell.

Ordered, that the bill entitled an act to repeal in part an act to establish La Grange College, approved 19th January, 1830, lie on the table till to-morrow.

The Senate resumed the consideration of the bill entitled an act concerning dower; a call of the House being requested, the bill was laid on the table for one hour.

An engrossed bill to be entitled an act supplemental to an act entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river, and for other purposes, was read the third time and passed. Yeas 16—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President, Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Edmondson, Hemphill, Hogan, Irwin, Jackson, Morton, Powell, Vining and Walthall — Those who voted in the negative are, Messrs Hubbard, Merriwether, Perry, Pickett and Smith. So the bill was passed.

Ordered, that the title be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

An engrossed joint resolution requiring the Secretary of State, Comptroller or Treasurer, to administer the oaths of office to the members of the General Assembly, was read the third time and passed. *Ordered*, that the title of the resolution be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Thursday, Dec. 9, 1830.—The Senate met pursuant to adjournment.

Mr Crawford presented the petition of sundry citizens of Bibb county, praying that the election precinct at Page's, in said county, may be abolished, and that one be established at Maplesville; which was read and referred to a special committee, consisting of messrs Crawford, Vining and Edmondson.

Mr Walthall, from the committee on inland navigation to which was referred a bill to be entitled an act to compensate Jack Shackelford, receiver of public moneys at the land office at Courtland, for certain services therein named, reported the same without amendment. Mr Irwin moved to amend the bill by striking out "twenty," and inserting "thirty" miles, where it proposes to allow the receiver of public moneys four dollars for every twenty miles, in travelling to and from the place of depositing the public moneys; which was carried. *Ordered*, that the bill be committed to a special committee, consisting of messrs Hogan, Hubbard and Jackson.

Mr Morton, from the committee on roads, bridges and ferries to which was referred a bill to be entitled an act to establish a State road from Harpersville, in Shelby county, by Columbiana and Maplesville, to Selma, reported the same without amendment. *Ordered*, that the bill lie on the table.

Mr Irwin, from the military committee to which was referred a resolution instructing them to inquire into the expediency of fixing by law, the days on which company musters shall be holden. &c., reported that it is inexpedient in the opinion of the committee, to legislate on the subject; which was agreed to.

Mr Garth, from the committee on divorce and alimony to which was referred a bill to be entitled an act amendatory of the laws concerning divorce, reported the same without amendment. *Ordered*, that the bill lie on the table till to-morrow.

Mr Smith, from the joint committee appointed to examine the offices of Treasurer and Comptroller, submitted the following report:

The joint committee of both Houses of the General Assembly appointed to examine the accounts, vouchers and books of the offices of the Comptroller and Treasurer, have performed the duty assigned them and beg leave to report:—That they first examined the books, vouchers and accounts of both offices from the day on which the present incumbents entered on the discharge of their duty, to the 26th day of November last, the date of their annual reports, by comparing the vouchers in the Comptroller's office with the law authorizing their payment, and by comparing them with the Comptroller's books and the warrants issued thereon; they also compared the books of the Comptroller and Treasurer, and all the vouchers in the Treasurer's office with his books; the additions of the books in both offices were examined with great care, and were found to be minutely correct. The books appear to have been kept in the neatest and best manner, and the vouchers have been correctly filed.—The cash in the Treasury, including \$135 of Fayetteville Bank notes, and \$24 75 in Treasury notes, was found to be \$26,910 08 1-2 on the 26th day of November last; which was evidenced to us by the amount deposited in bank on that day.—Your committee consider it due to those officers, to acknowledge the facility afforded by them in the examination, and the promptness with which every inquiry was answered. The same mode of examination was pursued as regards the University funds, and up to the same date. Your committee might have here closed their labors,

it being the day from which the committee of next year would commence their examination, but in order to avoid overlooking any error that might have occurred, up to the day their examination closed, the 6th instant, they made a further examination, up to that day; which they found to be equally satisfactory. The \$24 75 in Treasury notes, your committee destroyed, and authorized the Treasurer to give himself credit for that amount. **NEAL SMITH**, *Chairman on the part of the Senate.*

WM. MOBLEY, *Chairman on the part of the House.*

Mr Abercrombie, from the special committee to which was referred a bill to be entitled an act to appropriate a part of the three per cent. fund for certain purposes therein named, reported the same as amended; which was concurred in. **Mr Pickett** moved further to amend the bill by inserting the words "interest of," so as to make the appropriation from the interest of the three per cent fund; which was carried. Yeas 20—Nays 1.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President, Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Irwin, Jackson, Merriwether, Morton, Perry, Pickett, Powell, Smith, Vining and Walthall. — **Mr Hogan** voted in the negative.

Mr Hogan moved that the further consideration of the bill be indefinitely postponed; which was lost. Yeas 8—Nays 14.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President, Bridges, Dupuy, Hogan, Merriwether, Smith, Vining and Walthall. — Those who voted in the negative are, Messrs Abercrombie, Anderson, Conner, Crawford, Edmondson, Garth, Hemphill, Hubbard, Irwin, Jackson, Morton, Perry, Pickett and Powell.

Ordered, that the bill be committed to a special committee: whereupon Messrs Crawford, Abercrombie and Pickett were appointed.

A message from the House of Representatives by **Mr Van Dyke**: **Mr President**—The House of Representatives did, on yesterday adopt the following resolution, in which they request the concurrence of the Senate: *Resolved*, that with the concurrence of the Senate, the two Houses will convene in the Representative Hall, to-morrow, Thursday, the 9th instant, at the hour of 12 o'clock, for the purpose of going into the election of a Comptroller of Public Accounts and a State Treasurer for the ensuing year, and Quartermaster General. **Mr Hogan** moved that the resolution lie on the table till Monday next; which was lost. Yeas 9—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President, Bridges, Crawford, Hogan, Irwin, Merriwether, Pickett, Smith and Vining. — Those who voted in the negative are, Messrs Abercrombie, Anderson, Conner, Dupuy, Edmondson, Garth, Hemphill, Hubbard, Jackson, Morton, Perry, Powell, and Walthall.

The question was then put on concurring in the resolution, and determined in the affirmative. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Anderson introduced a bill to be entitled an act to authorize the administrator of William Jamison, dec'd, to sell certain personal property; which was twice read and committed to a special committee, consisting of Messrs Anderson, Morton and Crawford.

A bill to be entitled an act for the relief of the tax-collector of Walker county for the year 1830, was read a second time, amended on **Mr Morton's** motion, and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to repeal in part an act to establish La Grange College, approved 19th January 1830, was taken up and ordered to be engrossed for a third reading to-morrow.

The Senate resumed the consideration of the bill to be entitled an act concerning dower; the question was put, Shall the bill pass? and determined in the affirmative. Yeas 11—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie, Anderson, Bridges, Crawford, Dupuy Hemphill, Hubbard, Irwin, Morton, Perry and Pickett. — Those who voted in the negative are, Messrs President, Conner, Edmondson, Garth, Jackson, Merriwether, Powell, Vining and Walthall.

Ordered, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act to define the prison bounds of the several counties of this State, was read the third time, amended by way of ryder on Mr Powell's motion, and the question being put, Shall the bill pass? it was determined in the affirmative. Yeas 14—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Abercrombie, Anderson, Bridges, Dupuy, Edmondson, Hemphill, Hubbard, Morton, Perry, Pickett, Powell, Smith and Walthall. — Those who voted in the negative are, Messrs Crawford, Garth, Irwin, Jackson, Merriwether, and Vining.

Ordered, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act to amend the laws relative to executors, administrators and guardians; and, engrossed joint resolution to authorize the Secretary of State to procure books and stationary for the use of the State Departments and General Assembly; were severally read the third time and passed. *Ordered*, that the titles be as aforesaid, and that they be sent to the House of Representatives for their concurrence.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have adopted the following resolution: *Resolved*, that the Senate be informed that this House is now ready to receive them in their Hall for the purpose of going into the election of a Comptroller of Public Accounts, a State Treasurer and a Quartermaster General; whereupon, the members of the Senate repaired to the Hall of the House of Representatives, and having taken the seats assigned them, Mr President arose and announced the object of the meeting. When the two Houses proceeded to the election of a Comptroller of Public Accounts, George W. Crabb alone being in nomination. For Mr Crabb 87 votes.

Those who voted for Mr Crabb are, Mr President, Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Pickett, Powell, Smith, Vining and Walthall. — Reps. Mr Speaker, Acklen, Baker, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Clough, Coker, Collins, Conner, Cook, Coopwood, Cunningham, Dubose, Dillet, Dillahunty, Durand, Everett, Faulk, George, Gilbreath, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of J. King of P. Lane, Langford, Lawler, Lea, Mardis, Massey, McCollum, McVay, Metcalfe, Mobley, Moore of M. Moore of W. Murphree, Musgrove, Oliver, Philpot, Rather, Richardson, Roberts, Ross, Rugeley Sanders, Scott, Shortridge, Stevens, Taylor, Townsend, Walker, Ward, Williams and Young.

George W. Crabb having received a majority of all the votes present was declared by Mr Speaker to be duly elected Comptroller of Public Accounts for the ensuing year.

The two Houses then proceeded to the election of a State Treasurer, Hardin Perkins alone being in nomination. For Mr Perkins 90 votes.

Those who voted for Mr Perkins are, Mr President, Abercrombie, Anderson, Bridges Conner, Crawford, Dupuy, Edmonson, Garth, Hemphill, Hogan, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Pickett, Powell, Smith, Vining and Walthall. — Reps. Mr Speaker, Acklen, Baker, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Clough, Coker, Collins, Conner, Cook, Coopwood, Cunningham, Dubose, Dillahunty, Dillet, Durand, Everett, Faulk, George, Gilbreath, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, Kilpat-

rick, King of J. King of P. Lane, Langford, Lawler, Lea, Mardis, Massey, McCollum, McVay, Metcalf, Mobley, Moore of M. Moore of W. Murphree, Mosgrove, Oliver, Philpot, Rather, Richardson, Roberts, Ross, Rugeley, Sanders, Shortridge, Scott, Stevens, Taylor, Townsend, Walker, Ward, Williams and Young.

Hardin Perkins having received all the votes present was declared by mr Speaker to be duly elected State Treasurer for the ensuing year.

The two Houses then proceeded to the election of a Quartermaster General, Charles Lewin alone being in nomination. For mr Lewin 87 votes.

Those who voted for Mr Lewin are, Mr President, Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hogan, Irwin, Merriwether, Morton, Perry, Pickett, Powell, Smith, Vining and Walthall.—Reps Mr Speaker, Acklen, Baker, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Clough, Coker, Collins, Conner, Cook, Coopwood, Cunningham, Dabose, Dillabonty, Dillett, Durand, Everett, Faulk, George, Gilbreath, Hall, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of J. King of P. Lane, Langford, Lawler, Lea, Mardis, Massey, McCollum, McVay, Metcalf, Mobley, Moore of M. Moore of W. Murphree, Mosgrove, Oliver, Philpot, Rather, Richardson, Roberts, Ross, Rugeley, Sanders, Scott, Shortridge, Stevens, Taylor, Townsend, Walker, Ward, Williams and Young.

Charles Lewin having received all the votes present, was declared by mr Speaker to be duly elected Quartermaster General of the State of Alabama. The elections being completed the Senate withdrew, returned to their own chamber, and mr President resumed the chair.

Engrossed bills of the following titles, to wit: an act to incorporate Cahawba Academy in the county of Dallas; an act to render legitimate Thomas Maxwell, jr. the natural son of Thomas Maxwell, an act to exempt garnishees from the payment of costs in certain cases; and, an act for the relief of sheriffs serving process in the Indian nation—were severally read the third time and passed. *Ordered* that the titles of the bills be as aforesaid, and that they be sent to the House of Representatives for their concurrence.

Mr Pickett offered the following resolution: *Resolved*, that the judiciary committee be instructed to inquire into expediency of giving a longer stay of executions on judgements under the jurisdiction of justices of the peace, and that they report by bill or otherwise; which was adopted.

Mr Merriwether offered the following resolution: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of reporting a bill to prevent sheriffs from collecting more commissions for levying executions and making money than the true construction of the law now allows, on penalty of dismissal from office; which was adopted.

Mr Crawford offered the following resolution: *Resolved*, that the committee on roads, bridges and ferries, be instructed to inquire into the expediency of compelling the owners or keepers of toll bridges and ferries to renew their bonds at regular periods, with leave to report by bill or otherwise; which was adopted.

Mr Morton introduced a bill to be entitled an act to establish an office of discount and deposite of the Bank of the State of Alabama; which was read. Mr Anderson moved that the further consideration of the bill be indefinitely postponed; which was lost. Yeas 10—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie, Anderson, Conner, Dupuy, Garth, Jackson, Merriwether, Pickett, Vining and Walthall.—Those who voted in the negative are, Mr President, Bridges, Crawford, Edmondson, Hogan, Hubbard, Irwin, Morton, Perry, and Smith.

A call of the House being requested, the bill was laid on the table for one hour.

Mr Irwin moved that the Senate adjourn till to-morrow morning at 10 o'clock; which was carried. Yeas 13—Nays 6.

The yeas and nays being desired those who voted in the affirmative are, Mr President, Abercrombie, Conner, Garth, Hubbard, Irwin, Jackson, Merriweher, Morton, Perry, Pickett, Smith, and Vining——Those who voted in the negative are, Messrs Anderson, Bridges, Crawford, Edmondson, Hogan, and Walthall.

The Senate accordingly adjourned till to morrow morning at 10 o'clock.

Friday, D c. 10, 1830.—The Senate met pursuant to adjournment.

Mr Powell, from the special committee to which was referred so much of the Governor's message as relates to a revision of the penal code and the establishment of a penitentiary submitted the following report:

The special committee to which was referred so much of the Governor's message as relates to a revision of the penal code and the establishment of a penitentiary system, have according to order, had the same under consideration, and respectfully report: That they fully concur in the opinion and arguments advanced by his excellency on that subject, and recommend the establishment of a penitentiary for the State of Alabama. The most plausible objection urged against the measure, is the expense attending the accomplishment of that object; this objection, when scrutinized vanishes into nothing, and the accomplishment of this measure will tend, as your committee believe, to lessen the public burthen and prove an economical act. By an examination of the several appropriation acts of this State since the year 1823, up to the termination of the last session of the Legislature, embracing a period of seven years, it appears that there has been drawn from the Treasury, the enormous sum of \$28,799.51 1/2 for victualling State prisoners; which sum is a clear loss to the community; whereas, if the State prisoners, who were thus fattening on the public expense and wallowing in idleness, had been confined in a penitentiary, under a wholesome regimen, they might not only have made their expenses by labor, but have yielded a profit to the State.

The penitentiary system recommends itself in another and not less striking point of view. By the effects of this system, the condition of the unfortunate individuals who fall victims to the violated laws of the country, in many instances may be ameliorated, and the sanguinary punishments now inflicted for many offences by our criminal code, alike shocking to the feelings of humanity and inconsistent with the spirit of the age in which we live, may be mitigated, and the offenders reclaimed and made useful citizens. The documents accompanying the Governor's message, in reference to the subject, fully illustrate the foregoing positions, and enables us to draw from the experience of some of our sister States, lessons of practical utility.

As the Penitentiary system however, in the State of Alabama, is yet but an experiment, it is considered expedient by your committee, to adopt such a plan as can be abandoned with but little loss, if it should not be acceptable to the people, and if found popular and advantageous, may be enlarged and extended to meet the exigencies of the State. Your committee are persuaded that a thorough revision of the penal code, is not necessary at the present session of the Legislature, as before the penitentiary house can be completed for the reception of prisoners, another session of the General Assembly will intervene. In accordance with the foregoing views of your committee, I am instructed to introduce a bill to be entitled an act to establish a penitentiary for the State of Alabama.

The bill reported by the committee was read the first time. Mr Powell moved that the bill be made the order of the day for a second reading on Monday next; which was carried. Yeas 14—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Anderson, Bridges, Edmondson, Garth, Hogan, Hubbard, Jackson, Merriweher, Morton, Powell, Smith, Vining and Walthall.——Those who voted in the negative are, Messrs Conner, Crawford, Dupuy, Irwin, Perry and Pickett.

Mr Anderson, from the special committee to which was referred a bill to be entitled an act to authorize the administrator of William Jemison, deceased, to sell certain personal property, reported the same without amendment. *Ordered*, that the bill be committed to the committee on the judiciary.

Mr Hogan, from the special committee to which was referred a bill to be entitled an act to compensate Jack Shackelford, receiver of public moneys

at the land office at Courtland for certain services therein named, reported the same as amended; which was concurred in. The question was put, Shall the bill be made the order of the day for a third reading to-morrow? and carried. Yeas 13—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Abercrombie, Conner, Crawford, Hogan, Irwin, Jackson, Merriwether, Morton, Perry, Smith, Vining and Walthall—Those who voted in the negative are, Messrs Anderson, Bridges, Dupuy, Edmondson, Garth, Hemphill, Hubbard and Pickett.

Mr Crawford, from the special committee to which was referred a bill to be entitled an act to appropriate a part of the three per cent fund for certain purposes therein named, reported the same as amended; which was concurred in. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr Crawford, from the special committee to which was referred a bill to be entitled an act better to regulate the issuing of licenses to retailers of spirituous liquours, reported the same as amended. Mr Irwin moved that the bill together with the proposed amendment, lie on the table till the first day of March next; which was carried. Yeas 17—Nays 5.

The yeas and nays being desired those who voted in the affirmative are, Mr President, Abercrombie, Anderson, Bridges, Conner, Dupuy, Edmondson, Garth, Hemphill, Hogan, Irwin, Merriwether, Perry, Pickett, Smith, Vining and Walthall.—Those who voted in the negative are, Messrs Crawford Hubbard, Jackson, Morton and Powell.

Mr Bridges, from the special committee to which was referred a bill to be entitled an act concerning the establishment of public ferries, reported the same without amendment. Mr Smith offered the following amendment to the bill by way of rider: "provided that, the discretion heretofore vested in the county courts as to the propriety of the establishment of any public ferry, shall in no wise be diminished by this act;" which was rejected. The question was then put, Shall the bill pass? and determined in the affirmative. Yeas 15—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Bridges, Conner, Dupuy, Edmondson, Garth, Hemphill, Hogan, Hubbard, Irwin, Merriwether, Morton, Pickett, Smith and Walthall.—Those who voted in the negative are, Messrs Abercrombie, Anderson, Crawford Jackson, Perry, Powell and Vining. So the bill was passed.

Ordered, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have read three several times and passed a bill which originated in the Senate, entitled an act to compensate Levi Robbins for apprehending a horse thief, and have amended the same as herewith shewn: in which they desire the concurrence of the Senate. *Ordered*, that the bill together with the amendment made thereto by the House of Representatives, be committed to the committee on accounts and claims.

Mr Bridges offered the following resolution: *Resolved*, that a select committee be appointed whose duty it shall be to inquire into the expediency of selling the lands granted to the State in the vicinity of Cahawba, for the seat of government, and of remunerating the purchasers of lots in the town of Cahawba out of the funds arising from such sale; which was adopted; whereupon, messrs Bridges, Perry and Pickett, were appointed the committee.

Mr Hogan called up the memorial to the Congress of the United States,

asking a donation of land to connect the waters of the Tennessee with those of the Coosa river by means of a canal. *Ordered*, that the memorial be engrossed and made the order of the day for a third reading to-morrow.

Mr Smith called up the bill to be entitled an act to extend the limits of Monroe county, and define the line between the counties of Monroe and Clarke. *Ordered*, that the bill be committed to a special committee; whereupon, messrs Smith, Hogan and Merriwether were appointed.

Mr Crawford called up the bill to be entitled an act to abolish certain election precincts in the county of Pickens and establish others in lieu thereof. *Ordered*, that the bill be committed to the special committee appointed on the petition of sundry citizens of Bibb county in relation to an election precinct in that county.

An engrossed bill to be entitled an act to repeal in part and amend an act entitled an act to establish La Grange College, approved Jan. 19th 1830, was read the third time and passed. Yeas 12—Nays 8.

The yeas and nays being desired those who voted in the affirmative are, Mr President, Conner, Crawford, Dupuy, Hogan, Hubbard, Morton, Perry, Powell, Smith, Vining, Walthall.—Those who voted in the negative are, Messrs Abercrombie, Anderson, Bridges, Edmondson, Garth, Hemphill, Irwin, Jackson, and Merriwether.

Ordered, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Powell, from the joint committee on enrolled bills, reported as correctly enrolled, bills of the following titles: an act requiring the sheriffs of Tuscaloosa and Lauderdale counties to return a list of the qualified jurors in said counties at different times than those now prescribed by law; an act to change the name and render legitimate certain persons therein named; an act to revive and continue in force an act to incorporate the town of Cahawba, passed Dec. 3d, 1819; and, an act to furnish each commissioner of revenue and roads with the statutes of this State—which were accordingly signed by mr President.

Mr Pickett introduced a bill to be entitled an act to exempt from execution one work horse or yoke of oxen; which was read and ordered to a second reading to-morrow.

Mr Hogen offered the following resolution: *Resolved*, that the President of the Bank of the State of Alabama be requested to lay before the Senate the correspondence which took place during the present year, between the cashier, D. M. Riggs, the receiver of public moneys of the land office in the town of Huntsville, and the cashier of the Branch of the United States Bank at Nashville, in relation to the public deposits, and the receipt or refusal of the paper of the Bank of this State at said land office; which was adopted.

Ordered, that the bill entitled an act amendatory of the laws concerning divorce, lie on the table till to-morrow.

An engrossed bill to be entitled an act for the relief of the tax collector of Walker county for the year 1830, was read a third time and passed.

Ordered, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A bill to be entitled an act to establish an office of discount and deposite of the Bank of the State of Alabama, was read the second time. Mr Perry moved to strike out so much of the second section of the bill as designates the counties whose portion of discounts from the State Bank are to be transferred to said office of discount; which was carried. Mr Anderson moved that the bill lie on the table till the first day of March next; which was lost. Yeas 10—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, Messrs

Abercrombie, Anderson, Conner, Garth Hemphill, Jackson, Merriwether, Powell, Vining and Walthall.—Those who voted in the negative are, Mr President, Bridges, Crawford, Edmondson, Hogan, Hubbard, Irwin, Morton, Perry, Pickett and Smith.

Mr Irwin moved that the bill be committed to a special committee. A call of the House being demanded, the bill was laid on the table for one hour.

And then the Senate adjourned, till to-morrow morning at 10 o'clock.

Saturday, Dec. 11, 1830.—The Senate met pursuant to adjournment.

Mr Merriwether, from the committee on accounts and claims to which was referred the bill to be entitled an act to compensate Levi Robbins, and to compensate John E. Irwin for certain services, together with the amendment made thereto by the House of Representatives, reported the same without amendment. *Ordered*, that the Senate concur in the amendments made to said bill by the House of Representatives, and that the Secretary acquaint the House of Representatives therewith.

Mr Hubbard, from the committee on the judiciary to which referred a resolution on the subject, reported a bill to be entitled an act providing a more summary mode of trying contested elections for members of the General Assembly; which was read and ordered to a second reading on Monday next.

Mr Hubbard, from the same committee to which was referred a bill to be entitled an act giving the county courts jurisdiction of offences committed by slaves, reported the same as amended: which was concurred in. The bill was then read the third time and the question being put, Shall the bill pass? it was determined in the affirmative. Yeas 18—Nays 3.

The yeas and nays being desired, those who voted in the affirmative, are Messrs Abercrombie, Bridges Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hogan, Hubbard, Irwin Jackson, Merriwether, Morton, Perry, Pickett Smith and Walthall.—Those who voted in the negative are, messrs Anderson, Powell and Vining. So the bill was passed.

Ordered, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Hubbard from the same committee to which was referred a bill to be entitled an act prescribing the mode of trying contested elections for sheriffs and other county officers, reported the same as amended; which was concurred in. *Ordered*, that the bill be engrossed and made the order of the day for a third reading on Monday next.

Mr Hubbard, from the same committee to which was referred a bill to be entitled an act providing for digesting the laws of the State of Alabama, reported the same as amended; which was concurred in. *Ordered*, that the bill be engrossed and made the order of the day for a third reading on Monday next.

Mr Hubbard, from the same committee to which was referred a resolution instructing them to inquire into the expediency of giving a longer stay on executions on judgements before justices of the peace, reported that it is inexpedient, in the opinion of a majority of the committee, to legislate on the subject. *Ordered*, that the report lie on the table.

Mr Walthall, from the committee on inland navigation to which was referred so much of the Governor's message as relates to the proposed canal to connect the waters of the Tennessee with those of the Coosa river, asked to be discharged from the further consideration thereof, the subject being embraced in a memorial already before the Senate; which was agreed to.

Mr Crawford, from the committee on education to which was referred so much of the Governor's message as relates to the University of Alabama, and to the diffusion of knowledge generally, and also a report of the board of trustees of the University, recommending to the General Assembly the adoption of a plan for the free admission of students into said University;

from the several counties of this State in proportion to their population, reported a bill to be entitled an act to provide for the free admission of students into the University of Alabama from the several counties of this State in proportion to their population; which was twice read. *Ordered*, that the bill lie on the table, and that fifty copies thereof be printed for the use of the Senate.

Mr Merriwether, from the committee on accounts and claims to which was referred a bill to be entitled an act to compensate George M. Taylor for expenses incurred in the prosecution of David M. Smithson, charged with murder, reported the same without amendment. *Ordered*, that the bill lie on the table.

Mr Powell introduced a bill to be entitled an act to provide the means for building a jail for the county of Tuscaloosa; which was read and ordered to a second reading on Monday next.

Mr Anderson introduce a bill to be entitled an act to incorporate the town of Waverly, in the county of Pickens, and Fayetteville, in the county of Fayette; which was read and ordered to a second reading on Monday next.

Mr Pickett introduced a bill to be entitled an act to alter and amend an act entitled an act to incorporate the town of Vernon, in the county of Autauga; which was read and ordered to a second reading on Monday next.

A bill to be entitled an act to compensate Jack Shackelford, receiver of public moneys at the land office in Courtland, for certain services therein named, was read the third time. Mr Hubbard offered the following amendment to the bill by way of ryder: "and provided further, that payment shall not be made for travelling to Tuscaloosa more than twice before the passage of this act;" which was read three several times and adopted. Yeas 14—Nays 8.

The yeas and nays being desired those who voted in the affirmative are, Messrs President, Abercrombie, Conner, Crawford, Hogan, Hubbard, Irwin, Jackson, Merriwether, Morton, Powell, Smith, Vining and Walthall.—Those who voted in the negative are, Messrs Anderson, Bridges, Dupuy, Edmondson, Garth, Hemphill, Perry, and Pickett.

Mr Pickett offered the following amendment to the bill by way of ryder: "and be it further enacted, that nothing in this act shall be so construed as to entitle Jack Shackelford to receive his annual compensation, for the time he may be engaged in travelling to and from Tuscaloosa for the purpose aforesaid, but the time he shall be so engaged shall be deducted from his salary at the rates of one thousand dollars per annum; which was rejected. Yeas 10—Nays 11.

The yeas and nays being desired those who voted in the affirmative are, Messrs Anderson, Bridges, Conner, Dupuy, Edmondson, Hemphill, Merriwether, Pickett, Smith and Vining.—Those who voted in the negative are, Messrs President, Abercrombie, Crawford, Garth, Hogan, Hubbard, Jackson, Morion, Perry, Powell and Walthall.

The question was then put, Shall the bill pass? and decided in the affirmative. Yeas 12—Nays 10.

The yeas and neays being desired, those who voted in the affirmative are, Mr President, Abercrombie, Crawford, Hogan, Hubbard, Irwin, Jackson, Morton, Perry, Powell, Smith and Walthall.—Those who voted in the negative are, Messrs Anderson, Bridges, Conner, Dupuy, Edmondson, Garth, Hemphill, Merriwether, Pickett and Vining. So the bill was passed.

Ordered, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to exempt from execution one work horse,

mule or yoke of oxen, was read the second time and committed to a special committee, consisting of Messrs Abercrombie, Pickett and Irwin.

A bill to be entitled an act amendatory of the laws concerning divorce, was taken up and committed to the committee on the judiciary.

Engrossed joint memorial to the Congress of the United States asking a donation of lands to connect the waters of the Tennessee with those of the Coosa river by means of a canal, was read the third time. Mr Powell offered the following amendment to the memorial: "and whereas, it is considered by your memorialists, that an improved connexion between the northern and middle sections of the said State would prove a measure fraught with most beneficial results, in a national point of view. Your memorialists further solicit your honorable body to make a grant of a sufficient quantity of the unappropriated lands lying in the counties of Blount, Jefferson, St Clair and Tuscaloosa, to assist the State of Alabama in making a rail road or canal from some suitable point on the Tennessee river, to the head of navigation on the Black Warrior river. Mr Jackson moved that the memorial together with the proposed amendment, lie on the table till Monday next; which was lost. Yeas 10—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie, Hemphill, Hubbard, Irwin, Jackson, Merriwether, Morton, Pickett, Powell and Walthall.—Those who voted in the negative are, Mr President, Anderson, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hogan, Perry, Smith and Vining.

The question was then put on the adoption of the amendment offered by Mr Powell, and decided in the negative. Mr Hemphill offered the following amendment to the memorial: "and whereas, it is also desirable to your memorialists, by canal to connect the waters of the Conecuh and Tallapoosa rivers, they would also represent to your honorable body, the propriety of donating a suitable amount for furthering said canal. Such an improvement would not only benefit Alabama, but Florida; which was rejected. Yeas 6—Nays 16.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie, Anderson, Hemphill, Irwin, Jackson and Morton.—Those who voted in the negative are, Mr President, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hogan, Hubbard, Merriwether, Perry, Pickett, Powell, Smith, Vining and Walthall.

Mr Abercrombie offered the following amendment to the memorial by way of rider: "and your memorialists request that in the act of donation, no terms be imposed upon the State of Alabama in the mode of making sale of the lands, executing the work or any restrictions in relation to tolls, or keeping the work in repair, but that the State be left in all things, free to act in the premises, as a sovereign and independent State;" which was read. The question was put, Shall the amendment be read the second time? and decided in the affirmative. Yeas 12—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie, Anderson, Crawford, Garth, Hemphill, Hubbard, Irwin, Jackson, Morton, Pickett, Powell and Walthall.—Those who voted in the negative are, Mr President, Bridges, Conner, Dupuy, Edmondson, Hogan, Merriwether, Perry, Smith and Vining.

The proposed amendment having been read a second time, the question was put, Shall the amendment be read the third time? and carried. Yeas 12—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie, Anderson, Crawford, Garth, Hemphill, Hubbard, Irwin, Jackson, Morton, Pickett, Powell and Walthall.—Those who voted in the negative are, Mr

President, Bridges, Conner, Dupuy, Edmondson, Hogan, Merriwether, Perry, Smith and Vining.

The amendment was then read the third time and adopted. Yeas 12—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie, Anderson, Crawford, Garth, Hemphill, Hubbard, Irwin, Jackson, Morton, Pickett, Powell, and Walthall.—Those who voted in the negative are, Mr President, Bridges, Conner, Dupuy, Edmondson, Hogan, Merriwether, Perry, Smith and Vining.

Mr Pickett moved that the Senate adjourn till Monday morning at 10 o'clock; which was lost. Yeas 7—Nays 14.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie, Anderson, Hemphill, Irwin, Morton, Powell and Walthall.—Those who voted in the negative are, Mr President, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hogan, Hubbard, Jackson, Merriwether, Perry, Smith, and Vining.

The question was then put, Shall the memorial pass? Mr Pickett having been called to vote on the passage of the memorial proceeded to discuss the merits of the memorial under consideration. Mr Hogan made a point of order, and insisted that after a question is put and the vote commences, no member has a right to discuss the merits of the question pending before the House. Mr President decided that a member, when his name is called to vote, has a right to give his reasons for such vote. From which decision Mr Hogan appealed to the Senate, and the decision of the President was overruled. The memorial was then passed. Yeas 15—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hogan, Hubbard, Merriwether, Perry, Pickett, Powell, Smith and Vining.—Those who voted in the negative are, Messrs Abercrombie, Anderson, Hemphill, Irwin, Jackson, Morton, and Walthall.

Ordered, that the same be sent to the House of Representatives for their concurrence.

Mr Dupuy introduced a joint resolution reducing the price of Toulmin's Digest of the laws of Alabama; which was read and ordered to a second reading on Monday next.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have read three several times and passed bills which originated in their House, entitled an act authorizing the Comptroller of Public Accounts to draw a warrant as therein expressed; an act to authorize Henry Brazleton, administrator of Joel Ledbetter, deceased, to convey a certain tract of land therein named; and, an act authorizing a jury to be drawn to attend the county courts of certain counties, and for other purposes. They have also read and adopted a memorial to the Congress of the United States in relation to public lands: in all of which they desire the concurrence of the Senate.

And then the Senate adjourned till Monday morning at 10 o'clock.

Monday, Dec. 13, 1830.—The Senate met pursuant to adjournment.

Mr Walthall presented the petition of William Reed, guardian of John Stephens, a minor, and of sundry other persons, praying the passage of a law authorizing the sale of a certain tract of land belonging to the estate of Enoch Stevens, deceased, which was read and referred to a special committee, consisting of Messrs Walthall, Merriwether and Powell.

Mr Jackson moved to take from the table the resolution from the House of Representatives, proposing, with the concurrence of the Senate, that the two Houses of the General Assembly will on Monday the 13th inst. (this day) at 11 o'clock, A. M. assemble in the Representative Hall for the pur-

pose of going into the election of a Senator to the Congress of the United States for the term of six years from and after the fourth day of March next; which was carried. Mr Jackson then moved that the Senate concur in the resolution. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Smith presented the petition of sundry citizens of Clarke county, praying that commissioners may be appointed to re-examine and lay out the State road from Greensboro' to Hoseas store in Marengo county, and that the same may be opened and continued as a State road; which was read and referred to the committee on roads, bridges and ferries.

Mr Smith presented the petition of sundry inhabitants of Clarke county, praying that provision may be made by law for the location of the seat of justice of said county, at or near the centre thereof; which was read and laid on the table.

Mr Bridges presented the petition of sundry citizens of Wilcox county, praying that that part of Wilcox county west of the Alabama river and south of the line between township ten and eleven, may be added to the county of Clarke; which was read and referred to the committee on county boundaries.

Mr Anderson introduced a bill to be entitled an act to mark and cut out a road from the town of Tuscaloosa to the line between this State and the State of Mississippi; which was read and ordered to a second reading tomorrow.

Mr Powell, from the joint committee on enrolled bills, reported as correctly enrolled, an act to compensate Levi Robbins, and to compensate John E. Irwin for certain services; which was accordingly signed by Mr President.

Bills from the House of Representatives, entitled an act authorizing a jury to be drawn to attend the county courts of certain counties, and for other purposes; an act to authorize Henry Brazleton, administrator of the estate of Joel Ledbetter, deceased, to convey a certain tract of land therein named; and, an act authorizing the Comptroller of Public Accounts to draw a warrant as therein expressed—were severally read the first time and ordered to a second reading tomorrow.

Joint memorial to the Congress of the United States in relation to public lands, which originated in the House, was read the first and second time and committed to the special committee heretofore appointed to draft and report a memorial on the subject of the public lands.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have adopted the following resolution: *Resolved*, that the Senate be forthwith informed that this House is now ready to receive them for the purpose of electing a Senator to the Congress of the United States for six years from and after the fourth day of March next; whereupon, the members of the Senate repaired to the Hall of the House of Representatives, and having taken the seats assigned them, Mr President arose and announced the object of the meeting. When the two Houses proceeded to the election of a Senator to the Congress of the United States for the term of six years from and after the fourth day of March next, Gabriel Moore and John M Kinley being in nomination. For Mr Moore 49; Mr M'Kinley 40; Mr Shaakleford 1; Mr M'Clung 1; Fearn 1.

Those who voted for Mr Moore are, Mr President, Abercrombie, Anderson, Crawford, Dupuy, Garth, Hemphill, Hagan, Hubbard, Irwin, Jackson, Motton, Perry, Pickett, Smith,—Reps. Baker, Boyd, Brodnax, Clough, Coker, Cook, Coopwood, Dubose, Dillibanty, Faulk, Hall, Herbert, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of P. Lea, Massey, Mobley, Moore of W.

Murphree, Musgrove, Oliver, Richardson, Ross, Rugeley, Townsend, Ward, Williams and Young.

Those who voted for Mr McKinley are, Messrs Bridges, Conner, Edmondson, Merriwether, Powell, Vining, Walthall.—Reps. Mr Speaker, Acklen, Barclay, Brown, Chiles, Clark, Collins, Conner, Cunningham, Dillett, Durand, Everett, Gayle, George, Gilbreath, Hickman, King of J. King of M. Lane, Lawler, McCollom, M'Vay, Moore of M. Philpot, Price, Rather, Riddle, Roberts, Sanders, Scott, Shortridge, Stevens, Walker.

Mr Harris, voted for Mr McClung; Mr Mardis, voted for Mr Sackleford; Mr Taylor, voted for Thomas Fearn.

Gabriel Moore having received a majority of the whole number of votes was declared by Mr Speaker to be duly elected a Senator to the Congress of the United States for the period of six years from and after the fourth day of March next. The election being completed the Senate withdrew, returned to their own chamber, and Mr President resumed the chair.

Joint resolution reducing the price of Toulmin's Digest of the laws of Alabama; and a bill to be entitled an act to alter and amend an act entitled an act to incorporate the town of Vernon in the county of Autauga—were severally read the second time and ordered to be engrossed for a third reading to-morrow.

Mr Hemphill offered the following resolution: *Resolved*, that the committee on roads, bridges and ferries, be instructed to inquire into the expediency of appropriating so much of the revenue arising from the tax on tavern licenses and billiard tables as will be sufficient to build and keep up the bridges in each county in this State, and that they report by bill or otherwise; which was adopted.

Mr Pickett introduced a bill to be entitled an act giving a longer stay of execution on all judgements obtained before a justice of the peace; which was read and ordered to a second reading to-morrow.

A bill to be entitled an act to incorporate the town of Waverly in the county of Pickens, and Fayetteville in the county of Fayette, was read the second time, amended on Mr Anderson's motion, and ordered to be engrossed for a third reading to-morrow.

Mr Bridges called up the bill to be entitled an act to allow further time for filing county claims. *Ordered*, that the bill be committed to special committee; whereupon, messrs Bridges, Perry and Vining were appointed.

Mr Hogan offered the following resolution: *Resolved*, that the Comptroller lay before the Senate the amount of revenue accruing annually to the State from the tax laid on billiard tables, and also tavern licenses, and whether any legislation is necessary to secure the amount of tax on billiard tables; which was adopted.

A bill to entitled an act to provide the means for building a jail for the county of Tuscaloosa, was read the second time and ordered to be engrossed for a second reading on to-morrow.

A bill to be entitled an act providing a more summary mode of trying contested elections for members of the General Assembly, was read the second time and committed to a special committee, consisting of messrs Irwin, Pickett and Hubbard.

Ordered, that the bill entitled an act to establish an office of discount and deposite of the Bank of the State of Alabama lie on table till to-morrow.

Mr Jackson moved that the Senate adjourn till to-morrow morning at 10 o'clock; which was lost. Yeas 8—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Edmondson, Hemphill, Irwin, Jackson, Morton, Perry, Powell and Vining.—

Those who voted in the negative are, messrs Bridges, Conner, Crawford, Dupuy, Garth, Hogan, Merriwether, Pickett, Smith and Walthall.

Ordered, that the bills entitled an act prescribing the mode of trying contested elections for sheriffs and other county officers; and, an act to appropriate a part of the three per cent fund for certain purposes therein named, lie on the table till to-morrow.

Mr Jackson moved that the bill entitled an act to provide for digesting the laws of the State of Alabama, lie on the table till to-morrow. A call of the House being demanded, the bill was laid on the table for one hour.

Mr Irwin moved that the Senate adjourn till to-morrow morning at 10 o'clock; which was carried. Yeas 13—Nays 8.

The yeas and nays being desired those who voted in the affirmative are, messrs President, Anderson, Bridges, Conner, Dupuy, Edmondson, Hemphill, Hogan, Irwin, Merriwether, Morton, Perry and Powell.—Those who voted in the negative are, messrs Abercrombie, Crawford, Garth, Jackson, Pickett, Smith, Vining and Walthall.

The Senate accordingly adjourned till to-morning at 10 o'clock.

Tuesday, Dec. 14, 1830.—The Senate met pursuant to adjournment.

Mr Perry, from the committee on the judiciary to which was referred a resolution on the subject, reported a bill to be entitled an act to abolish county courts, and establish a court of probate; which was read and ordered to be read a second time to-morrow.

Mr Hogan, from the committee on the Bank of the State to which was referred a bill to be entitled an act to curtail the amount of damages upon bills of exchange purchased by the Bank of the State of Alabama, reported the same as amended. *Ordered*, that the bill together with the proposed amendment lie on the table till to-morrow.

Mr Irwin, from the special committee to which was referred a bill to be entitled an act providing a more summary mode of trying contested elections for members of the General Assembly, reported the same as amended; which was concurred in. *Ordered*, that the bill lie on the table, and that fifty copies thereof be printed for the use of the Senate.

Mr Smith, from the special committee to which was referred a bill to be entitled an act to extend the limits of Monroe county, and define the line between the counties of Monroe and Clarke, reported the same without amendment. The bill was then passed by a majority of two thirds of the Senate. *Ordered*, that the title be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Anderson introduced a bill to be entitled on act to secure a speedy trial in criminal cases; which was read and ordered to a second reading to-morrow.

Mr Crawford offered the following resolution: *Resolved*, that the committee on education be instructed to inquire into the expediency of permitting each purchaser of University lands at the price of seventeen dollars per acre or upwards, who shall have made or may hereafter make full payment thereon, without relinquishing any part of their purchase, to have educated in the University of Alabama, free of any charge, either for board or tuition, one student for each quarter section of land upon which complete payment shall have been made as aforesaid, with leave to report by bill or otherwise; which was adopted.

Mr President laid before the Senate the following communication from the President of the Bank of the State of Alabama.

BANK OF THE STATE OF ALABAMA, TUSCALOOSA, Dec. 14, 1830.

To the Hon: President of the Senate.

SIR: In obedience to a resolution adopted by the Senate on the 10th inst. requesting me "to lay before the Senate the correspondence which took place during the present year, between the cashier, D. M. Riggs, the reciever of public moneys at the land office in the town of Huntsville, and the cashier of the Branch of the United States Bank at Nashville, in relation to the public deposite and the receipt or refusal of the paper of the Bank of this State at said land office. I have the honor to lay before the Senate the annexed copies of letters which comprises the whole of said correspondence, with the remark that the last letter from John Sommerville, Esq. cashier, dated 2d inst. was received here since the resolution of the Senate was adopted. Respectfully submitted, JNO. L. TINDALL, *President, &c.*

Ordered, that the communication and accompanying documents be referred to the committee on the State Bank.

The following communication was received from the Governor by James I. Thornton, Esq. Secretary of State:

EXECUTIVE DEPARTMENT, Dec. 13, 1830.

To the Hon: the President and Members of the Senate.

Gentlemen: I herewith transmit you letters received by the commissioners under the acts passed for the purpose of increasing the capital of the Bank of the State of Alabama from the purchasers of the State stock, requesting the appointment of an agent to be resident at New-York for the purpose of rendering facilities in the transfer of the stock. It is believed by the commissioners that such an appointment would be attended with inconsiderable expense and promote the interest of the State; and therefore submit to your consideration the propriety of passing a law authorizing the commissioners to constitute the agency solicited.

I also lay before your honorable body resolutions adopted by the General Assembly of the State of Mississippi, asserting the right of the State to all the public domain within her chartered limits.

At the request of the publisher I herewith transmit you his adress, soliciting public patronage to a work styled the debates on convention upon the adoption of the Federal Constitution. As also a letter from the Trustees of the Rhode Island Historical Society, proposing a union in views and operations in procuring authentic documents relative to the early history of our country.

These topics having received the favorable consideration of other deliberative assemblies, I have thought proper in compliance with the request of those by whom they have been forwarded to, to lay them before your honorable body, that you may judge of their merit.

I have received the resignation of the Hon. Roddy Smith, judge of the county court of Fayette county. I have the honor to be, most respectfully, your obedient servant.

GABRIEL MOORE.

Ordered, that the communication and accompanying documents lie on the table.

Mr Abercrombie, from the special committee to which was referred a bill to be entitled an act to exempt from execution one work horse, mule or yoke of oxen, reported the same as amended, by adding thereto the following section: *And be it further enacted*, that the tools of all mechanics shall be exempt from executions for any debt that may be hereafter contracted. Mr Anderson moved to amend the proposed amendment, by adding at the end thereof the words "to the amount of thirty-five dollars;" which was lost. Yea 1—Nays 19.

The yeas and nays being desired, mr Anderson, voted in the affirmative.— Those who voted in the negative are messrs President, Abercrombie, Bridges Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hogan, Irwin, Jackson, Merriwether, Morton, Pickett, Powell, Smith, Vining and Walthall.

Mr Garth moved to amend the amendment proposed by the committee, by adding after the word "mechanic," "farmers and other persons used in

their occupation," so as to exempt the tools of farmers and other persons from execution; which was carried. Yeas 16—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Anderson, Bridges, Crawford Dupuy, Edmondson, Garth, Hemphill, Hubbard, Jackson, Merriwether, Perry, Powell, Smith, Vining and Walthall.—Those who voted in the negative are, messrs Abercrombie, Conner, Hogan, Irwin, Morton and Pickett.

The question was then put on concurring in the amendment proposed by the committee as amended, and carried. Yeas 19—Nays 3.

The yeas and nays being desired those who voted in the affirmative are, messrs President, Anderson, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hogan Hubbard, Jackson, Merriwether, Morton, Perry, Pickett, Powell, Smith and Walthall.—Those who voted in the negative are, messrs Abercrombie, Irwin and Vining.

Mr Anderson offered the following amendment to the bill: *And be it further enacted*, that the books of a lawyer, and the books, instruments and medicine of a physician be and the same are also exempt from execution. Mr Perry moved to strike from the proposed amendment, the words "the books of a lawyer:" which was carried. Yeas 17—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Bridges, Conner, Edmondson, Garth, Hemphill, Hogan, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Pickett, Powell, Smith and Vining.—Those who voted in the negative are, messrs Abercrombie, Anderson, Crawford, Dupuy and Walthall.

Mr Irwin moved to amend the proposed amendment with the following: 'provided the same shall not exceed one hundred dollars in value; which was lost. The question was then put on the adoption of the amendment proposed by my Anderson, and decided in the negative. Yeas 5—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are, messrs Anderson, Crawford, Hubbard, Perry and Walthall.—Those who voted in the negative are, messrs President, Abercrombie, Bridges, Conner, Dupuy, Edmondson, Garth, Hemphill, Hogan, Irwin, Merriwether, Morton, Pickett, Smith and Vining.

The question was then put, Shall the bill be engrossed and made the order of the day for a third reading to-morrow? and carried. Yeas 17—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are messrs President, Abercrombie, Anderson, Bridges, Conner, Dupuy, Edmondson, Hemphill, Hogan, Irwin, Merriwether, Morton, Perry, Pickett, Powell, Smith and Walthall.—Those who voted in the negative are, messrs Crawford, Garth, Hubbard, Jackson and Vining.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have passed a bill which originated in their House, entitled an act to authorize the administrators of the estate of John Barron, deceased, to sell a certain negro man slave, named Primus, which belonged to the estate of said deceased: in which they desire the concurrence of the Senate.

The bill mentioned in the foregoing message, was read the first time in the Senate and ordered to a second reading to-morrow.

Mr Perry moved that the Senate adjourn till to-morrow morning at 10 o'clock; which was lost. Yeas 6—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Garth, Hubbard, Morton, Perry and Smith.—Those who voted in the negative are, messrs Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Edmondson, Hogan Irwin, Jackson, Merriwether, Pickett, Powell, Vining and Walthall.

Mr Hogan called up the bill to be entitled an act for the emancipation of slaves, and transportation of free people of color to the coast of Liberia,

Ordered, that the bill be committed to a special committee: whereupon, messrs Hogan, Smith and Walthall were appointed.

A bill to be entitled an act to establish a Penitentiary for the State of Alabama, was read a second time. On motion of mr Powell: *Ordered*, that the bill be committed to a committee of the whole, and made the order of the day for Saturday next, and that fifty copiesthereof be printed for the use of the Senate.

A bill to be entitled an act to mark and cut out a road from the town of Tuscaloosa, to the line between this State and the State of Mississippi, was read a second time. Mr Powell moved to strike from the bill the name of Levin Powell, and to insert the name of Hiram P. Cockran as a commissioner; which was carried. Mr Hogan moved to strike out the third section of the bill, which is as follows: "*And be it further enacted*, that said commissioners shall have full power and authority, for the purpose of carrying the provisions of this act into effect, to draw upon the Treasury of this State for the sum of——dollars, to be paid out of the interest accrued and accruing upon the three per cent fund;" which motion was carried. Yeas 11—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, messrs Crawford, Dupuy, Edmondson, Garth. Hogan, Irwin, Merriwether, Perry, Smith, Vining and Walthall.—Those who voted in the negative are, messrs President, Abercrombie, Anderson, Hemphill, Hubbard, Pickett and Powell.

Ordered, that the bill be engrossed and made the order of the day for a third reading to-morrow.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Wednesday, Dec. 15, 1830.—The Senate met pursuant to adjournment.

On motion of mr Irwin: *Ordered*, that mr Dupuy have leave of absence from the Senate till Monday next.

Mr Bridges presented the petition of Isaac C. Perkins, tax collector of Wilcox county, praying additional compensation for assessing and collecting the taxes of said county; which was read and referred to a special committee, consisting of messrs Bridges, Edmondson and Vining.

Mr Irwin presented the annual report of the Adjutant and Inspector General, of the militia of this State, accompanied by the following communication from that officer:

Hon: *Samuel B. Moore, President of the Senate.*

SIR:—In submitting this return, the undersigned has to deplore the inexcusable and culpable apathy which prevails among the returning officers; causing the return of the Ajutant General to be vastly deficient, as will be perceived by reference thereto; without advertng to the confusion which would prevail, in the event of a war, arising from an utter ignorance of the actual strength and condition of the militia. The loss of arms annuallly to the State, is a consideration sufficiently important, in the opinion of the undersigned, to call from the Legislature, some interposition by which punctuality in the returning officer may be procured, and the rights of the State be thereby secured. For this purpose the undersigned intends submitting a plan to his Excellency, the proper constitutional organ, which he trusts will not only meet with his approbation, but upon his recommendation will receive the sanction of the Legislature also. Very respectfully, your obedient servant,

J. G. CARROLL, Adj. and Inspt. Gen. A. M.

Ordered, that the report and communication be committed to the military committee.

Mr Walthall, from the special committee to which was referred the petition of Wm. Reed, guardian of John Stevens, a minor, reported a bill to be entitled an act to authorize William Read, guardian of John Stephens, a minor, to sell and convey certain real estate; which was read and ordered to a 2d reading to-morrow.

Mr Bridges, from the special committee to which was referred a bill to be entitled an act to allow further time for filing county claims, reported the same as amended; which was concurred in. *Ordered*, that the bill lie on the table.

Mr Garth, who voted in the majority on yesterday, moved to reconsider the vote of the Senate ordering the bill to be entitled an act to mark and cut out a road from the town of Tuscaloosa to the line between this State and the State of Mississippi, to be engrossed for a third reading to-day; which was carried. Yeas 16—Nays 5.

The yeas and nays [being desired, those who voted in the affirmative are, mr President, Abercrombie, Anderson, Bridges, Conner, Crawford, Edmondson, Garth, Hemphill, Hubbard, Irwin, Jackson, Morton, Perry, Pickett and Powell.—Those who voted in the negative are, messrs Hogan, Merriwether, Smith, Vining and Walthall.

Mr Garth then moved to reconsider the vote of the Senate on mr Hogan's motion to strike out the third section of the bill; which was carried. *Ordered*, that the bill be committed to a special committee: whereupon, messrs Garth, Powell and Anderson were appointed.

Mr Hogan offered the following resolution: *Resolved*, that the commissioners on the State Capitol be requested to ascertain what lein the State has on the State Architect for neglect of his official duties, in giving certificates to the mechanics employed in covering the capitol, whereby they have drawn pay from the treasurer for the same, although the work has not been done in a faithful and workman-like manner, and to report the opinion of the Attorney General on this subject; which was adopted.

A message from the House of Representatives, by mr McClellan: Mr President—The House of Representatives have adopted a memorial entitled a memorial of the General Assembly of the State of Alabama, to the Senate and House of Representatives of the United States in Congress assembled: in which they desire the concurrence of the Senate.

The memorial mentioned in the foregoing message, was read three several times in the Senate and adopted. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to abolish county courts and to establish a court of probate; and an act to secure a speedy trial in criminal cases; were severally read the second time and committed to the committee on the judiciary.

A bill to be entitled an act giving a longer stay of execution on all judgments obtained before a justice of the peace, was read the second time. Mr Anderson moved that the bill be engrossed and made the order of the day for a third reading to-morrow; which was carried. Yeas 12—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Abercrombie, Anderson, Bridges, Conner, Hemphill, Hogan, Morton, Perry, Pickett, Smith, and Walthall.—Those who voted in the negative are, messrs Crawford, Edmondson, Garth, Hubbard, Irwin, Jackson, Merriwether, Powell and Vining.

A bill to be entitled an act to curtail the amount of damages upon bills of exchange, purchased by the Bank of the State of Alabama, was taken up and committed to a special committee, consisting of messrs Hubbard, Jackson and Garth.

The Senate resumed the consideration of the bill to be entitled an act to establish an office of discount and deposit of the bank of the State of Alabama. Mr Abercrombie moved that the further consideration of the bill be indefinitely postponed; which was lost. Yeas 10—Nays 11.

The yeas and nays being desired those who voted in the affirmative are, Messrs Abercrombie, Conner, Garth, Hemphill, Jackson, Merriwether, Pickett, Powell,

Vining and Walthall.—Those who voted in the negative are. Messrs President, Anderson, Bridges, Crawford, Edmondson, Hogan, Hubbard, Irwin, Morton, Perry and Smith.

Mr Abercrombie moved that the bill lie on the table till the first day of June next; which was carried. Yeas 11—Nays 10.

The yeas and nays being desired those who voted in the affirmative are, Messrs Abercrombie, Anderson, Conner, Garth, Hemphill, Jackson, Merriwether, Pickett Powell, Vining and Walthall.—Those who voted in the negative are, Messrs President, Bridges, Crawford, Edmondson, Hogan, Hubbard, Irwin, Morton, Perry and Smith.

An engrossed bill to be entitled an act prescribing the mode of trying contested elections for sheriffs and other county officers, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid and that it be sent to the House of Representatives for their concurrence.

A bill to be entitled an act to authorize the administrators of the estate of John Barron, deceased, to sell and dispose of a certain negro man, a slave, named Primus, which belonged to the estate of said deceased, was read the second time and referred to the committee on the judiciary.

Mr Pickett offered the following resolution: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of providing by law, for a court of oyer and terminer to be held at the end of the circuit, for the purpose of trying persons charged with the commission of a capital crime, where the person charged is confined in jail, and when the case has been continued at the instance of the prisoner or State, and that they provide for the payment of the presiding judge who may hold said court of oyer and terminer; which was adopted.

An engrossed bill to be entitled an act to exempt from execution, one work horse, mule or yoke of oxen, was read the third time. Mr Hubbard offered the following amendment to the bill by way of rider: *And be it further enacted*, that two feather beds and two milch cows be reserved to each family, exempt from execution or attachment; which was read. The question was put, Shall the amendment be read a second time? and carried. Yeas 18—Nays 3.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Abercrombie, Anderson, Bridges, Conner, Crawford Edmondson, Garth, Hemphill, Hubbard, Irwin, Jackson, Merriwether, Perry, Pickett, Powell, Smith, and Walthall.—Those who voted in the negative, are messrs Hogan, Morton and Vining.

Mr Bridges moved to amend the proposed amendment, by striking therefrom the words *or attachment*; which was lost. Mr Hubbard moved to amend the amendment, by adding after the words *two feather beds*, the words *and all other household furniture, not exceeding one hundred dollars in value*; which was lost. Yeas 7—Nays 14.

The yeas and nays being desired those who voted in the affirmative are, messrs Abercrombie, Anderson, Crawford, Hubbard, Jackson, Perry and Walthall.—Those who voted in the negative are, messrs President, Bridges, Conner, Edmondson, Garth, Hemphill, Hogan, Irwin, Merriwether, Morton, Pickett, Powell, Smith and Vining.

The first amendment offered by mr Hubbard was then read the third time and adopted. The question was put, Shall the bill pass? and determined in the affirmative. Yeas 14—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie, Bridges, Conner, Edmondson, Hemphill, Hogan, Irwin, Merriwether, Morton, Perry, Pickett, Powell, Smith and Walthall.—Those who voted in the negative are, messrs President, Anderson, Crawford, Garth, Hubbard and Vining.

Ordered, that the title of the bill be, an act to exempt certain property

therein specified, from sale by execution or attachment, and that it be sent to the House of Representatives for their concurrence.

Mr Abercrombie offered the following resolution: *Resolved*, that with the concurrence of the House of Representatives, the two Houses will convene at the hour of 12 o'clock, on to-morrow, in the Representative Hall for the purpose of electing a President and twelve Directors of the Bank of the State of Alabama. Mr Bridges moved to amend the resolution by striking out *to-morrow*, and inserting *Saturday next the 18th inst.*; which was carried.—The resolution as amended was then adopted. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

An engrossed bill to be entitled an act to appropriate a part of the three per cent. fund for certain purposes therein named, was read the third time. Mr Hogan offered the following amendment to the bill by way of rider: *And be it further enacted*, that the sum of twenty-five hundred dollars of the interest of said fund be, and the same is hereby appropriated to open and bridge so much of the State road as runs through that part of Washington county as lies below the court house, and is destitute of inhabitants; and that the judge and commissioners of Washington county, be and they are hereby appointed commissioners, and whose duty shall be governed in all respects as herein set forth; which was read. The question was put, Shall the amendment be read a second time? and lost. Yeas 4—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Bridges, Hogan, Powell and Smith.*—Those who voted in the negative are, messrs *President, Abercrombie, Conner, Crawford, Edmondson, Garth, Hemphill, Hubbard, Irwin, Jackson, Merriwether, Perry, Pickett, Vining and Walthall.*

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Thursday, Dec 16, 1830.—The Senate met pursuant to adjournment.

Mr Pickett offered the following preamble and resolution: Whereas a person was indicted and convicted in the Circuit Court of Autauga county, for stealing a horse, and a bill of exception was taken by his counsel, to the indictment, on the ground, that the evidence established the fact, that the property stolen was a gelding and not a horse, and the Supreme Court, upon a writ of error, sustained such exception and ordered the discharge of the felon; whereby he was turned loose upon society to commit new depredations, in pursuance of this adjudicated case: *Be it therefore resolved*, that the judiciary committee be instructed to inquire, whether this evil is owing to a defect of the law, or in the administration thereof, and in case of the former that they report a bill to remedy the evil; which was adopted.

Mr Abercrombie who voted in the majority, moved to reconsider the vote of the Senate, adopting, a resolution, proposing with the concurrence of the House of Representatives, to go into the election of a President and Directors of the Bank of the State of Alabama on Saturday next, which was carried. *Ordered*, that the resolution lie on the table.

Mr Anderson, who voted in the majority, moved to reconsider the vote of the Senate of yesterday on Mr Abercrombie's motion to lay the bill entitled an act to establish an office of discount and deposite of the Bank of Alabama, on the table till the first day of June next; which was lost. Yeas 9—Nay 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Anderson, Conner, Crawford, Edmondson, Hogan, Hubbard, Irwin, Morton and Perry.*—Those who voted in the negative are, messrs *Abercrombie, Bridges, Garth, Hemphill, Jackson, Merriwether, Pickett, Powell, Vining and Walthall.*

Mr Abercrombie, from the committee on county boundaries, submitted the following report: The committee on county boundaries to whom was referred the petition of sundry citizens of Wilcox county, praying that a

part of Wilcox may be added to Clarke county, have had the subject under consideration, and have instructed me to report that it is inexpedient to legislate on the subject, the county of Wilcox not having territory to spare without reducing it below its constitutional limits. *Ordered*, that the report lie on the table till tomorrow.

Mr Anderson introduced a bill to be entitled an act to compel county officers to pay over all public moneys they may receive; which was read and ordered to a second reading to-morrow.

Mr Vining introduced a bill to be entitled an act to change the time of holding the county court of Jackson county; which was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time forthwith, and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

The Senate resumed the consideration of the bill entitled an act to appropriate a part of the three per cent fund for certain purposes therein named. Mr Abercrombie moved to fill the first blank in the bill with *twenty-five hundred dollars*, where it reads thus, *that the sum of———dollars of the interest of the three per cent fund be appropriated for the purpose of building bridges on the road leading from Line Creek in Montgomery county, to Fort Mitchell on the Chatahoochie river, commencing at Line Creek*. Mr Irwin moved to fill the blank with *three thousand dollars*; which was carried. Yeas 11—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Abercrombie, Anderson, Conner, Hemphill, Hubbard, Irwin, Jackson, Morton, Perry and Pickett*.—Those who voted in the negative are, messrs *Bridges, Crawford, Edmondson, Garth, Hogan, Merriwether, Powell, Smith, Vining and Walthall*.

Mr Smith moved to recommit the bill to a special committee, with instructions so to amend the same as to make the appropriation out of the two per cent fund; which was lost. Yeas 3—Nays 18.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Edmondson, Hogan and Smith*.—Those who voted in the negative are, messrs *President, Abercrombie, Anderson, Bridges, Conner, Crawford, Garth, Hemphill, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Pickett, Powell, Vining and Walthall*.

Mr Abercrombie moved to fill the second blank in the bill with names of *William D. Pickett, Neal M. Laughlin and Alvin A. McWhorter, as commissioners to contract for and superintend the building of the bridges*; which was carried. Mr Hogan moved to add the name of Henry Goldthwaite, as one of the commissioners; which was carried. Yeas 11—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Bridges, Conner, Crawford, Edmondson, Garth, Hogan, Merriwether, Smith, Vining and Walthall*.—Those who voted in the negative are, messrs *Abercrombie, Anderson, Hemphill, Hubbard, Irwin, Jackson, Morton, Perry, Pickett and Powell*.

Mr Perry moved to add the name of William Irwin as a commissioner; which was carried. The question was then put, Shall the bill pass? and decided in the affirmative. Yeas 13—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Abercrombie, Anderson, Conner, Garth, Hemphill, Hubbard, Irwin, Jackson, Morton, Perry, Pickett and Powell*.—Those who voted in the negative are, messrs *Bridges, Crawford, Edmondson, Hogan, Merriwether, Smith, Vining and Walthall*.

Ordered, that the title of the bill be as aforesaid, and that it be sent to House of Representatives for their concurrence.

Mr. Anderson, from the special committee to which was referred a bill to be entitled an act to mark and cut out a road from the town of Tuscaloosa to the line between this State and the State of Mississippi, reported the same without amendment. Mr. Hogan again moved to amend the bill by striking therefrom the third section; which was lost. Yeas 8—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Bridges, Crawford, Edmondson, Hogan, Merriwether, Perry, Vining and Walthall*.—Those who voted in the negative are, messrs *President, Abercrombie, Anderson, Conner, Garth, Hemphill, Hubbard, Jackson, Morton, Pickett, Powell and Smith*.

Ordered, that the bill be engrossed and made the order of the day for a third reading to-morrow.

An engrossed bill to be entitled an act to provide for digesting the laws of the State of Alabama, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A bill to be entitled an act to authorize William Reed, guardian of John Stevens, a minor, to sell and convey certain real estate, was read the second time and laid on the table till to-morrow.

Mr. Bridges, from the special committee to which was referred the petition of Isaac C. Perkins, reported a bill to be entitled an act for the relief of the tax collector of Wilcox county; which was twice read and committed to the committee on propositions and grievances.

A message from the House of Representatives by Mr. Van Dyke: Mr. President—The House of Representatives have read three several times and passed a bill which originated in their House, entitled an act to compensate the commissioners of roads and revenue of the counties of Greene, Lauderdale, Perry, Lawrence, Marengo and Dallas for their services: in which they desire the concurrence of the Senate.

The bill mentioned in the foregoing message, was read the first time in the Senate and ordered to a second reading to-morrow.

Engrossed bills of the following titles, to wit: an act to incorporate the town of Waverly in Pickens county, and Fayetteville in the county of Fayette; an act to provide the means of building a jail for the county of Tuscaloosa; and, an act to alter and amend an act entitled an act to incorporate the town of Vernon in the county of Autauga; were severally read the third time and passed. *Ordered*, that the titles of the bills be as aforesaid, and that they be sent to the House of Representatives for their concurrence.

Engrossed joint resolution reducing the price of Toulmin's digest of the laws of Alabama, was laid on the table till Monday next.

A bill to be entitled an act authorizing the Comptroller of Public Accounts to draw a warrant as therein expressed, was read the second time and ordered to a third reading to-morrow.

A bill to be entitled an act to authorize Henry Brazleton, administrator of the estate of Joel Ledbetter, deceased, to convey a certain tract of land therein named, was read the second time and committed to the committee on the judiciary.

Mr. Vining presented the petition of Henry Brazleton; which was referred to the same committee.

A bill to be entitled an act authorizing a jury to be drawn to attend the county courts of certain counties, and for other purposes, was read the second time and committed to a special committee, consisting of messrs *Bridges, Morton and Vining*.

An engrossed bill to be entitled an act giving a longer stay of execution

on all judgements obtained before a justice of the peace, was read the third time, and the question being put, Shall the bill pass? it was decided in the negative. Yeas 8—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Abercrombie, Anderson, Bridges, Hemphill, Morton, Pickett, Smith and Walthall*. Those who voted in the negative are messrs *President, Crawford, Edmondson, Garth, Hogan, Hubbard, Irwin, Merriwether, Powell and Vining*.

Mr Hubbard, from the committee on the judiciary to which was referred a bill to be entitled an act to amend the law in relation to divorces; and a bill to be entitled an act amendatory of the laws concerning divorce, reported the same without amendment, and reported further that it is inexpedient in the opinion of the committee to alter the laws now in force on the subject of divorces. *Ordered*, that the bills and report lie on the table.

Mr Hubbard from the same committee to which was referred a bill to be entitled an act to reduce the fees of the clerk and attorneys of the supreme court, reported the same without amendment. Mr Powell moved that the bill lie on the table. A call of the House being demanded the bill was laid on the table for one hour.

Mr Smith moved that the Senate adjourn till to-morrow morning at 10 o'clock; which was carried. Yeas 14—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Abercrombie, Conner, Edmondson, Garth, Hemphill, Hogan, Irwin, Merriwether, Morton, Perry, Powell, Smith and Vining*.—Those who voted in the negative are, messrs *Bridges, Crawford, Hubbard, Pickett and Walthall*.

The Senate accordingly adjourned till to-morrow morning at 10 o'clock. *Friday, Dec. 17, 1830.*—The Senate met pursuant to adjournment.

Mr Morton, from the committee on roads, bridges and ferries, submitted the following report: The committee on roads, bridges and ferries, to whom was referred a resolution requiring them to inquire into the expediency of appropriating so much of the revenue arising from the tax on tavern licenses, retailers and billiard tables, as will be sufficient to build and keep up bridges in each county in this State, have had the same under consideration, and have instructed me to report that it is inexpedient to make such appropriation; which was concurred in.

Mr Morton from the same committee, submitted the following report: The committee on roads, bridges and ferries, to whom was referred a resolution instructing them to inquire into the expediency of compelling the owners or keepers of toll bridges and ferries to renew their bonds at regular periods, have had the same under consideration, and have instructed me to report that your committee are of opinion that the present law on that subject is sufficient; which was concurred in.

Mr Hogan from the special committee to which was referred a bill to be entitled an act for the emancipation of slaves, and transportation of free people of color to the coast of Liberia, reported the same without amendment. Mr Hubbard moved that the further consideration of the bill be indefinitely postponed; which was carried. Yeas 14—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Abercrombie, Anderson, Bridges, Crawford, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Pickett, Powell, Vining and Walthall*.—Those who voted in the negative are, messrs *President, Conner, Edmondson, Garth, Hemphill, Hogan and Smith*.

Mr Hubbard, from the committee on the judiciary to which was referred a resolution of the Senate, reported a bill to be entitled an act to regulate the fees of sheriffs; which was read. The rule requiring bills to be read on three several days being dispensed with, the bill was read the second time.

Mr Pickett moved to strike from the bill the following words: *that hereafter it shall not be lawful for any sheriff to take, demand, or receive a greater amount of fees for commissions in making the money upon any execution than four per cent for the first hundred dollars, three per cent for the second, and two per cent for each sum above that amount, with a view of inserting 2 1 2 per cent on all sums collected by sheriffs.* The question was put on striking out and lost. Yeas 5—Nays 16.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Anderson, Conner, Perry, Pickett and Smith* — Those who voted in the negative are, messrs *President, Abercrombie, Bridges, Crawford, Edmondson, Garth, Hemp-hill Hogan, Hubbard, Irwin, Jackson, Merriwether, Morton, Powell, Vining and Walthall.*

Ordered, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr Anderson introduced a bill to be entitled an act to prevent appeals from a justice of the peace, except by certiorari; which was read and ordered to a second reading to-morrow.

Mr Perry introduced a bill to be entitled an act to amend the laws prescribing the mode of taking the testimony of witnesses residing out of this State; which was read and ordered to a second reading to-morrow.

Mr Vining, from the special committee to which was referred a bill to be entitled an act authorizing a jury to be drawn to attend the county courts of certain counties, and for other purposes, reported the same without amendment. *Ordered,* that the bill lie on the table till to-morrow.

Mr Morton from the committee on roads, bridges and ferries, to which was referred a resolution of the Senate, reported a bill to be entitled an act to amend the laws in relation to private roads; which was read and ordered to a second reading to-morrow.

A bill to be entitled an act to authorize William Reed, guardian of John Stevens, a minor, to sell and convey certain real estate, and, an act to reduce the fees of the clerk and attorneys of the supreme court, were severally ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to compel county officers to pay over all public moneys they may receive, was read the second time and committed to the committee on the judiciary.

Ordered, that the report of the committee on county boundaries made on yesterday, in opposition to an annexation of a part of Wilcox to Clarke county, lie on the table.

Mr Hogan called up the bill to be entitled an act to manumit and set free a certain slave therein named, and for other purposes. *Ordered,* that the bill be engrossed and made the order of the day for a third reading to-morrow.

An engrossed bill to be entitled an act to mark and cut out a road from the town of Tuscaloosa, to the line between this State and the State of Mississippi, was read the third time. Mr Anderson moved to fill the blank in the bill with *three hundred dollars*, where it reads thus, that said commissioners shall have full power and authority for the purpose of carrying the provisions of this act into effect, to draw upon the Treasury of this State for the sum of———to be paid out of the interest accrued and accruing upon the three per cent fund; which was carried. Yeas 11—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Abercrombie, Anderson, Conner, Hubbard, Irwin, Jackson, Morton, Pickett, Powell and Smith.* — Those who voted in the negative are, messrs *Bridges, Crawford, Edmondson, Garth, Hogan, Merriwether, Perry, Vining and Walthall.*

The question was then put, Shall the bill pass? and decided in the affirmative. Yeas 12--Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Abercrombie, Anderson, Conner, Garth, Hemphill, Hubbard, Irwin, Jackson, Morton, Pickett and Powell.*—Those who voted in the negative are, messrs *Bridges, Crawford, Edmondson, Hogan, Merriwether, Perry, Vining and Walthall.*

Ordered, that the title of the bill be as aforesaid, and that it be sent to House of Representatives for their concurrence.

A bill to be entitled an act to compensate the commissioners of roads and revenue of the counties of Greene, Lauderdale, Perry, Lawrence, Mangrove and Dallas for their services, was read the second time and committed to a special committee, consisting of messrs Perry, Merriwether and Jackson.

A bill to be entitled an act authorizing the Comptroller of Public Accounts to draw a warrant as therein expressed, was read the third time and committed to the committee on accounts and claims.

Mr Pickett introduced a bill to be entitled an act to alter and establish the boundary line between the counties of Lowndes and Autauga; which was twice read and committed to the committee on county boundaries.

And then the Senate adjourned until to-morrow morning 10 o'clock.

Saturday, Dec. 18, 1830.—The Senate met pursuant to adjournment.

Mr Irwin presented the petition and account of William C. Huson; which were referred to the committee on accounts and claims.

Mr Powell presented the account of John S. Fitch against the State; which was referred to the committee on accounts and claims.

Mr Hubbard, from the committee on the judiciary to which was referred a resolution of the Senate instructing them to inquire into the expediency of providing by law for a court of oyer and terminer to be held at the end of the circuit for the purpose of trying persons charged with the commission of capital crimes, where the person charged is confined in jail, and where the cause has continued at the instance of the prisoner or State, reported that it is inexpedient in the opinion of the committee to legislate on the subject; which was concurred in.

Mr Hubbard, from the same committee to which was referred a preamble and resolution, setting forth, that "a person was indicted and convicted in the circuit court of Autauga county, for stealing a horse, and a bill of exceptions was taken by his counsel, to the indictment, on the ground, that the evidence established the fact, that the property stolen, was a gelding, and not a horse; and the supreme court, upon a writ of error sustained such exception, and ordered the discharge of the felon; whereby he was turned loose upon society to commit new depredations, in pursuance of this adjudicated case; and instructing the committee to inquire, whether this evil is owing to a defect of the law or in the administration thereof," &c., reported that in the opinion of the committee, the acquittal was not the consequence of any defect in the law, and that no legislation is necessary on account of the subject matter contained in the resolution: they therefore ask to be discharged from the further consideration thereof; which was agreed to.

Mr Hubbard, from the same committee to which was referred a bill to be entitled an act to authorize Henry Brazleton, administrator of the estate of Joel Ledbetter, deceased, to convey a certain tract of land therein named, reported the same without amendment. The question was put, Shall the bill be made the order of the day for a third reading on Monday next? and carried. Yeas 13—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Abercrombie, Anderson, Bridges, Conner, Edmondson Hemphill, Hogan,*

Morton, Perry, Powell, Vining and Walthall—Those who voted in the negative are, messrs *Crawford, Garth, Hubbard, Irwin, Jackson, Merrimether, Pickett and Smith*

Mr Hubbard, from the same committee to which was referred a bill to be entitled an act to authorize the administrators of the estate of John Barron, deceased to sell a certain negro man slave named Primus, which belonged to the estate of said deceased, reported the same without amendment. The question was put, Shall the bill be made the order of the day for a third reading on Monday next? and decided in the negative. So the bill was rejected.

Mr Hubbard, from the same committee to which was referred a bill to be entitled an act to secure a speedy trial in criminal cases, reported the same without amendment. Mr Garth moved that the bill lie on the table till the first day of March next; which was carried.

A message from the Governor by Mr Thornton: Mr President—I am requested by the Governor to inform your honorable body, that he did, on the 15th instant, approve and sign an act to compensate Levi Robbins, and to compensate John E. Irwin, for certain services: which originated in the Senate.

Mr Morton, who voted in the majority, moved to reconsider the vote of the Senate concurring in the report of the committee on roads, bridges and ferries, made on a resolution instructing an inquiry into the propriety of requiring the owners or keepers of toll bridges and ferries to renew their bonds at regular periods; which was carried. *Ordered*, that the report lie on the table.

Mr Pickett, who voted in the majority, moved to reconsider the vote of the Senate on concurring in the report of the committee on the judiciary to which was referred a resolution instructing them to inquire into the expediency of providing, by law, for a court of oyer and terminer, to be held at the end of each circuit, for the purpose of trying persons charged with the commission of capital crimes, where the person charged is confined in jail, and where the cause has been continued; which was lost. Yeas 10—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Abercrombie, Anderson, Conner, Crawford, Hogan, Jackson, Pickett, Smith and Vining*—Those who voted in the negative are, messrs *Bridges, Edmondson, Garth, Hemphill, Irwin, Merriwether, Morton, Perry, Powell, Walthall*.

Mr Hogan introduced a bill to be entitled an act to revive and continue in force, so much of an act entitled an act to regulate the licensing of physicians to practice, and for other purposes therein named, approved Dec. 22d 1823, as establishes a medical board in the city of Mobile; which was read twice and referred to a special committee consisting of messrs Hogan, Perry, and Merriwether.

Mr Merriwether introduced a bill to be entitled an act to authorize the review of a certain road therein mentioned; which was read and ordered to a second reading on Monday next.

Mr Bridges called up the bill to be entitled an act to provide for the free admission of students into the University of Alabama from the several counties of this State, in proportion to their population. *Ordered*, that the bill be committed to a committee of the whole House, and made the order of the day for Monday next.

Mr Walthall offered the following resolution: *Resolved*, that the Secretary of the Senate inform the House of Representatives, that the Senate will have gone through the business before them, on or before Friday next, and will at that time be ready to adjourn *sine die*; which was adopted. Yeas 16—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Abercrombie, Anderson, Bridges, Conner, Crawford Edmondson, Garth, Hemphill, Hogan, Hubbard, Jackson, Merriwether, Perry, Pickett, Powell and Walthall*.—Those who voted in the negative are, messrs *President, Irwin, Morton Smith and Vining*.

Mr Crawford called up the bill to be entitled an act to establish a State road from Harpersville in Shelby county, by Columbiana and Maplesville, to Selma. Mr Pickett moved to strike out *Selma*, and insert *Washington*, so as to establish the road from Harpersville to Washington; which was lost. *Ordered*, that the bill be engrossed and made the order of the day for a third reading on Monday next.

A bill to be entitled an act to prevent appeals from a justice of the peace, except by certiorari, was read the second time. Mr Smith moved that the bill lie on the table till the first Monday in August next; which was carried. Yeas 10—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Conner, Edmondson, Hubbard, Merriwether, Perry, Pickett, Smith, Vining and Walthall*.—Those who voted in the negative are, messrs *Abercrombie, Anderson, Bridges, Crawford, Garth, Hemphill, Hogan, Irwin and Jackson*.

A bill to be entitled an act to amend the laws prescribing the mode of obtaining the testimony of witnesses residing out of this State, was read the second time and committed to the committee on the judiciary.

A bill to be entitled an act to amend the laws in relation to private roads, was read the second time and ordered to be engrossed for a third reading on Monday next.

An engrossed bill to be entitled an act to regulate the fees of sheriffs, was read the third time, and the question being put, Shall the bill pass? it was decided in the affirmative. Yeas 16—Nays 3.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Abercrombie, Anderson, Bridges, Conner, Crawford, Edmondson, Garth, Hogan, Hubbard, Jackson, Merriwether, Pickett, Smith, Vining and Walthall*.—Those who voted in the negative are, messrs *Hemphill, Irwin and Perry*. So the bill was passed.

Ordered, that the title be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act to authorize William Reed, guardian of John Stephens, a minor, to sell and convey certain real estate, was read the third time and rejected. Yeas 8—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Abercrombie, Anderson, Bridges, Conner, Irwin, Perry, Vining and Walthall*.—Those who voted in the negative are, messrs *President, Crawford, Edmondson, Garth, Hemphill, Hogan, Hubbard, Jackson, Merriwether, Pickett and Smith*.

An engrossed bill to be entitled an act to reduce the fees of the officers of the supreme court, was read the third time and passed. Yeas 11—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Anderson, Conner, Crawford Edmondson, Garth, Hemphill, Hubbard, Irwin, Perry, Pickett and Walthall*.—Those who voted in the negative are, messrs *President, Abercrombie, Bridges, Hogan, Jackson, Merriwether, Smith and Vining*.—So the bill was passed.

Ordered that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A bill to be entitled an act to manumit and set free a certain slave therein named and for other purposes, was read the third time and passed. Yeas 10—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, mr *President, Abercrombie, Anderson, Conner, Hogan, Perry, Pickett, Smith, Vining and*

Walthall — Those who voted in the negative are, messrs *Bridges, Crawford, Edmondson, Garth, Hemphill, Hubbard, Irwin and Merriwether.*

Ordered, that the consideration of the bill entitled an act to establish a penitentiary for the State of Alabama, which was in order for a committee of the whole to day, be postponed till Tuesday next.

Mr Hubbard offered the following resolution: *Resolved*, that this House will, on Monday next, before proceeding upon the orders of the day, take from the table, and act upon each and every bill and resolution submitted during the session. Mr Garth moved that the resolution lie on the table. — Mr Crawford moved to amend the motion, by adding the words *until first of March next*: which was carried. Yeas 15—Nays 3.

The yeas and nays being desired, those who voted in the affirmative are, Messrs *President, Abercrombie, Bridges, Conner, Crawford, Edmondson, Garth, Hemphill, Hogan, Merriwether, Perry, Powell, Smith, Vining and Walthall.*

Mr Hubbard called up the bill to be entitled an act to amend an act entitled an act to enable the State of Alabama, to sell and dispose of certain lands therein named. *Ordered*, that the bill be engrossed and made the order of the day for a third reading on Monday next.

Mr Garth, who voted in the majority moved to reconsider the vote of the Senate, on the passage of the bill entitled an act to reduce the fees of the officers of the supreme court; which was carried. *Ordered*, that the bill be committed to a special committee: whereupon messrs Hubbard, Perry and Jackson were appointed.

And then the Senate adjourned till Monday morning at 10 o'clock.

Monday, Dec. 20, 1830.—The Senate met pursuant to adjournment.

Mr Bridges presented the petition of Henry Taylor, of Wilcox county, praying the passage of a law authorizing him to emancipate a certain slave therein named; which was read and referred to a special committee, consisting of messrs Bridges, Merriwether and Edmondson.

Mr Dupuy presented the account of Thaddeus A. Reid, against the State; which was referred to the committee on accounts and claims.

Mr Hogan from the special committee to which was referred a bill to be entitled an act to revive and continue in force, so much of an act entitled an act to regulate the licensing of physicians to practice, and for other purposes therein named, approved Dec. 22d, 1823, as established a medical board in the city of Mobile, reported the same as amended: which was concurred in. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr Hubbard, from the special committee to which was referred a bill to be entitled an act to curtail the amount of damages upon bills of exchange purchased by the Bank of the State of Alabama, reported the same as amended.

Mr Hogan moved to amend the proposed amendment by striking therefrom the following words: *and the endorsers of such bills shall not be compelled to pay more than five per cent damages, provided they pay the same within thirty days after notice of such protest*; which was lost. Yeas 2—Nays 18.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Hogan and Powell* — Those who voted in the negative are, messrs *President, Abercrombie, Anderson, Bridges, Conner, Crawford, Edmondson, Garth, Hemphill, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Pickett, Vining and Walthall.*

Mr Perry moved to amend the proposed amendment by striking the proviso from the end thereof, where it reads thus: "the drawer or acceptors shall not be compelled to pay more than five per cent damages upon such bill, provided payment shall be made within thirty days after the bill shall

be due and payable, and the Endorsers of such bills shall not be compelled to pay more than five per cent damages, provided they pay the same within thirty days after notice of such protest;" which was lost. Yeas 9—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Abercrombie, Anderson, Bridges, Hemphill, Morton, Perry, Pickett, Vining and Walthall*.—Those who voted in the negative are, messrs *President, Conner, Crawford, Edmondson, Garth, Hogan, Hubbard, Jackson, Merriwether, Powell*.

The amendment proposed by the special committee was then concurred in. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to morrow.

Mr Hubbard, from the special committee to which was referred a bill to be entitled an act to reduce the fees of the officers of the supreme court, reported the same as amended. The question was put on concurring in the first amendment proposed by the committee, by striking from the first section of the bill the word *clerk*, where it reads thus: "that hereafter the fees of the clerk, attorneys and solicitors of the supreme court, shall not be greater than the fees of the clerks, attorneys and solicitors of the several circuit courts in this State;" and determined in the affirmative. Yeas 13—Nays 2.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Anderson, Bridges, Conner, Crawford, Edmondson, Garth, Hemphill, Hogan, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Pickett, Powell and Vining*.—Those who voted in the negative are messrs *President, Walthall*.

Mr Jackson moved to strike out the first section of the bill after the enacting clause; which was lost. Yeas 5—Nays 17.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Conner, Garth, Jackson and Powell*.—Those who voted in the negative are, messrs *Abercrombie, Anderson, Bridges, Crawford, Dupuy, Edmondson, Hemphill, Hogan, Hubbard, Irwin, Merriwether, Morton, Perry, Pickett, Smith, Vining and Walthall*.

The question was then put on concurring in the second amendment proposed by the committee; which is as follows: Sec. 2. *And be it further enacted*, that hereafter it shall not be lawful for the clerk of the supreme court in any fee bill made by him for services, to take, demand or receive more than fifty per cent above the fees of the clerks of the circuit or county courts for like services, and all laws allowing him to take double their fees be and the same are hereby repealed: and determined in the affirmative. Yeas 15—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Abercrombie, Bridges, Crawford, Dupuy, Edmondson, Garth, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Pickett, Vining, and Walthall*.—Those who voted in the negative are, messrs *President, Anderson, Conner, Hogan, Powell and Smith*.

Mr Powell offered the following amendment to the bill: *And be it further enacted*, that this act shall commence, and be in force, from and after the first of August next; which was adopted. Mr Jackson moved that the bill be re committed to a special committee; which was lost. Yeas 11—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Abercrombie, Anderson, Conner, Dupuy, Hogan, Jackson, Merriwether, Powell, Smith and Vining*.—Those who voted in the negative are, messrs *Bridges, Crawford, Edmondson, Garth, Hemphill, Hubbard, Irwin, Morton, Perry, Pickett, Walthall*.

Mr Morton moved to reconsider the vote on the adoption of the amendment offered by Mr Powell; which was lost. The question was then put, Shall the bill pass? and decided in the affirmative. Yeas 16—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Abercrombie, Bridges, Conner, Crawford, Edmondson, Garth, Hemphill, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Pickett, Vining and Walthall*. Those who voted in the negative are, messrs *President, Anderson, Dupuy, Hogan, Powell and Smith*.

Ordered, that the title of the bill be as aforesaid and that it be sent to the House of Representatives for their concurrence.

Mr Merriwether, from the special committee to which was referred a bill to be entitled an act to compensate the commissioners of roads and revenue, of the counties of Greene, Lauderdale, Perry, Lawrence, Marengo and Dallas for their services, reported the same without amendment. Mr Jackson moved to strike from the bill the name of Lauderdale county; which was carried. *Ordered*, that the bill lie on the table.

Mr Hubbard, from the committee on the judiciary to which was referred a bill to be entitled an act to compel county officers to pay over all public moneys they may receive, reported the same as amended: which was concurred in. The question was then put, Shall the bill be engrossed and made the order of the day for a third reading to-morrow? and carried. Yeas 17—Nays 2.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hubbard, Irwin, Jackson, Merriwether, Pickett, Vining and Walthall.—Those who voted in the negative are, messrs Perry and Powell.

Mr Smith introduced a bill to be entitled an act to fix the seat of justice in Clarke county; which was read: and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time forthwith, and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have read three several times and passed a bill which originated in the Senate entitled an act to authorize Thomas A. Heard, of Walker county, to erect a mill and other water works on the Black Warrior river, and have amended the same as herewith shewn: in which they desire the concurrence of the Senate. They have also passed bills which originated in their House, entitled an act relating to the acknowledgement of deeds, and relinquishment of dower; and, an act to change the time of holding the county courts of Pike county: in which they desire the concurrence of the Senate.

On motion of mr Dupuy: *Ordered*, that the Senate concur in the amendments made by the House of Representatives to the bill entitled an act to authorize Thomas A. Heard, of Walker county, to erect a mill and other water works on the Black Warrior river. *Ordered*, that the secretary acquaint the House of Representatives therewith.

Mr Conner introduced a bill to be entitled act to compensate Washington Allen for certain services therein named; which was read and ordered to a second reading to-morrow.

Mr Dupuy called up the joint resolution reducing the price of Toulmin's digest of the laws of the State of Alabama. The question was put, Shall the resolution pass? and decided in the affirmative. Yeas 17—Nays 2.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Abercrombie, Anderson, Bridges, Dupuy, Edmondson, Garth, Hemphill, Hogan, Hubbard, Irwin, Jackson, Pickett, Powell, Smith, Vining and Walthall.—Those who voted in the negative are, messrs Crawford and Merriwether.

Ordered, that the title of the resolution be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Bridges, from the special committee to which was referred a resolution of the Senate, submitted the following report:

The special committee whose duty it has been made by a resolution of the Senate, to inquire into the expediency of selling the lands granted to the State, in the vicinity of Cahawba, for the Seat of Government, and of remunerating purchasers of lots in the

Town of Cahawba, out of the funds arising from such sale, report : That upon the first proposition contained in the resolution, that of selling the land, the committee are of opinion that the land in its present situation, is of but little value to the State. It has yielded but a small sum annually to the seat of government fund for several years past, and which in future will more probably be diminished than increased; and the prospect of any future enhanced value to the lands, is so very remote that the committee believe it to be the best policy to cause the lands to be sold and converted into means more available. The second proposition contained in the resolution is, the propriety of remunerating the purchasers of lots in the town of Cahawba. Upon this subject the committee believe that the purchases were made under the delusive hope that an interest in the permanent seat of GOVERNMENT was thereby acquired; and that these expectations were excited by the pledges then given, by the constituted authorities of the country, given doubtless under the most honest belief that the pledges would be redeemed with fidelity on the part of the government. That contracts were made under the influence of these high expectations, we need only refer to the prices which were given for lots, and which at this time could not be estimated to be worth two per cent upon the amount of money for which they at that time sold.

At the first sale of lots in that town, in May 1819, one hundred and eighty-two lots were sold for the enormous sum of one hundred and twenty-three thousand eight hundred and fifty-six dollars, about forty thousand of which was paid into the treasury at that time, a sum (it is believed) far above the intrinsic value of the whole 1620 acres, which was granted to the State at that place.

There is at this time upwards of 68,000 dollars vested in the State Bank, as the seat of government fund, which has been paid by the purchasers of lots at Cahawba, and the consideration for which it was given your committee believe has substantially failed. It must, however, be admitted, that the depreciated value of town property at Cahawba may be attributed to other causes in some degree, beside the removal of the seat of government from that place, and to the extent of which the State cannot be responsible. But it is believed the purchasers are rightfully entitled to reparation to the amount of damages which they have sustained in the diminished value of their town lots, consequent upon the removal of the seat of government.

The committee believe moreover, that the justice of this claim of the purchasers, for remuneration, has been conceded on the part of the Legislature; for at the session of 1861 it was resolved that commissioners should be appointed, men of their own choice selected for their known qualifications, whose duty it was to examine and report to the succeeding Legislature, the amount of damages sustained by the individual purchasers of lots in Cahawba by the removal of the seat of government. The commissioners in pursuance of an act of the Legislature proceeded to the discharge of the duties assigned them, and reported the result of their examination to the succeeding Legislature, and here the matter has since rested.

The Legislature neglected to redeem the pledge it had given, by resolving, that the petitioners were entitled to some relief; the petitioners, wearied by the tardy hand of the government in extending the relief asked for, and the justice of which they conceived the State to have conceded, have subsequently sought redress in the courts of the country; and suits are now pending in the Supreme Court against the State for the recovery of that which the individuals are claiming upon principles of equity. Thus is created between the State and its citizens, the unpleasant and odious relation of plaintiff and defendant.

It is believed to be incompatible with the dignity and character of this government, as well as with correct and liberal policy, to rely upon legal and technical rules of courts, for its justification, in the adjustment of individual claims for redress of injuries inflicted by its own operation.

These are some of the reasons which have brought the committee to the conclusion that the individual holders of lots, purchased at the first sale in the town of Cahawba, who were owners at the time of the removal of the seat of government from that place, have just claims to remuneration : and that those claims ought to be promptly and equitably adjusted, and for that purpose they have directed me to report a bill to be entitled an act for the relief of holders of lots purchased at the first sale of lots in the town of Cahawba.

The bill was read a first time and ordered to a 2d reading to-morrow.

Mr Anderson called up the bill to be entitled an act for the relief of Polly Caperton, wife of Hugh Caperton. The amendment proposed by the judiciary committee was rejected, and the bill ordered to be engrossed for a third reading to-morrow.

Mr Hogan introduced a bill to be entitled an act defining the liabilities of the securities of executors and administrators; which was read and ordered to a second reading to-morrow.

Mr Hogan also introduced a bill to be entitled an act declaratory of

an act entitled an act in relation to seamen belonging to vessels in merchants service; which was read and ordered to a second reading to-morrow.

Mr Crawford introduced a bill to be entitled an act to compel the owners of toll bridges and ferries to renew their bonds at regular periods; which was read and ordered to a second reading to-morrow.

Mr Bridges introduced a bill to be entitled an act to change the time of convening the General Assembly; which was read. The question was put Shall the bill be read the second time to-morrow? and carried. Yeas 13—Nays 4.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Abercrombie, Bridges, Crawford, Edmondson, Hemphill, Hogan, Hubbard, Morton, Pickett, Smith, Vining and Walhall.—Those who voted in the negative are, messrs Garth, Jackson, Merriwether and Powell.

Mr Hubbard, who voted in the majority, moved to reconsider the vote of the Senate on the passage of the bill entitled an act to authorize William Reed, guardian of John Stevens, a minor, to sell and convey certain real estate; which was carried. Yeas 13—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Abercrombie, Bridges, Conner, Dupuy, Edmondson, Hubbard, Merriwether, Pickett, Powell, Smith, Vining and Walhall.—Those who voted in the negative are, messrs Crawford, Garth, Hemphill, Hogan and Jackson.

The following communication was received from the Governor, by James I. Thornton, Esq.

EXECUTIVE DEPARTMENT, *Tuscaloosa*, December 20, 1830.

The Hon. President and Members of the Senate:

Gentlemen: I herewith transmit you a communication from the Adjutant and Inspector General of the State; as also one from Major General John Brahan of the 1st division, suggesting certain modifications in the militia laws of the State.

That our laws need revision in many particulars relative to the militia, in order to render that force efficient, and to constitute it what it is nominally called, the powerful arm of defence and protection, cannot admit of a doubt.

It must also be evident, that our State has sustained a great loss in the just proportion of arms to which she is entitled, by our own omission and neglect in furnishing the correct returns of the actual military strength and condition of our State. Great and powerful as may be the ingredient of thorough discipline in constituting the militia of the country, the great bulwark of her defence, yet I humbly conceive, that it is much more important that arms should be placed in the hands of every militiaman. I therefore, submit to your legislative consideration, the propriety of such enactments as will be certain to coerce complete returns of the actual strength and condition of the militia, together with other provisions of a character calculated to effectuate the objects contemplated by the communications herewith transmitted.

I again submit to your wisdom, whether the present salary allowed for the important, responsible and arduous duties required to be performed by the Adjutant and Inspector General, can be viewed as an adequate compensation for that officer. I am with regard, your most obedient servant

GABRIEL MOORE.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Tuesday, Dec 21, 1830.—The Senate met pursuant to adjournment.

Mr Crawford presented the following document to be spread upon the journals of the Senate:

The undersigned, having voted in the minority on the final passage of a bill to be entitled an act making further regulations for selling the University lands, avail themselves of their constitutional right of spreading the reasons of their dissent upon the Journals of the Senate.

The undersigned are not disposed to permit the pleasing guise of "Making further regulations for selling the University lands," to allure them to adopt a measure without examining its merits; nor the high wrought benevolence of the age to interweave a system of relief by which both principle and sound policy are to be sacrificed.

By a slight examination of this "regulation" bill, it will be discovered that its "re-

"ulations" are to *un-regulate* the sale of all the University lands that have been sold at the price of seventeen dollars per acre, and upwards; and that the title contains just *honey* enough to enable the Legislature to swallow the pill.

The undersigned disclaim all wish or intention to oppress the purchasers of University lands. On the contrary, they are at all times willing to extend any relief *in their power*, which will not jeopardize the prosperity of the University. In the present case there arises a question of power, a question of justice, and a question of *expediency*.

Upon the first point, therefore, the power of the Legislature to pass a law permitting all purchasers of University lands, who have contracted to pay seventeen dollars per acre, or upwards without any respect to the amount which they have paid, to relinquish such part of their purchases as they may think proper, and apply the payments made thereon to the payment of the part retained, the undersigned believe that the power does not exist. The Constitution of our State has declared, in the 19th article of the bill of rights that "no *ex post facto* law, nor law impairing the obligation of contracts, shall be made." If the sale of those lands by the University, to raise a fund for education, and the purchase of them by individuals with a full knowledge of that fact, constitute a *contract*, all will admit that the Legislature possesses no power to alter or amend that contract without the consent of all the parties to that contract. The Trustees of the University of Alabama, have been, by an act of the General Assembly, created a body *public* and *corporate*, in *deed* and in *law*, and made capable of contracting. Unless it can be shown that they have transcended their powers in making those contracts, or that the Legislature have retained to themselves a supervising power over the acts of the Board of Trustees, (neither of which is pretended,) the undersigned believe that the Legislature possess no power to *violate* or *set aside* any contract between the Trustees of the University, in their corporate capacity, and the purchasers of University lands. Still more forcibly will this reasoning appear, when we examine the subject a little further. The lands which form the consideration of the contracts between the trustees of the University and the purchasers of those lands, are a donation given by the United States to the State of Alabama, for the "use of a seminary of learning," and "to be appropriated *solely* to the use of such seminary." This donation formed one of several propositions submitted by the United States to the State of Alabama, in the act of Congress entitled "An act to enable the people of the Alabama Territory to form a Constitution and State Government," for their acceptance or rejection; and if accepted, to be obligatory on the United States. The convention called by said act of Congress did accept those propositions; and by an ordinance attached to the Constitution of our State, declare that "this convention, for and in behalf of the people inhabiting this State, do accept the propositions offered by the act of Congress under which they are assembled; and this ordinance is hereby declared to be irrevocable without the CONSENT of the United States." The acceptance of those propositions, and the adoption of this ordinance, formed a compact between the United States and the State of Alabama, which is binding and obligatory. By this act Alabama became bound to appropriate this donation "*solely*" to "the use of a seminary of learning." For this purpose the said Convention introduced an article into our State Constitution upon the subject of education, in which it is declared, that "the General Assembly shall take measures for the improvement of such lands as have been, or may be hereafter granted by the United States to this State, for the support of a seminary of learning; and the moneys which may be raised from such lands by *rent, lease, or sale* or from any other quarter, for the purposes aforesaid, shall be and remain a fund for the *exclusive* support of a State University, for the promotion of the arts, literature and sciences; and it shall be the *duty* of the General Assembly, as early as may be, to provide effectual means for the *improvement* and *permanent security* of the funds and endowments of such institution." For the purpose of carrying this provision of the Constitution into effect, the General Assembly, by an act approved December 24th, 1822, have provided "that the *title* of the lands which this State has received as a donation from the Congress of the United States, for a seminary of learning, be, and the same is hereby vested in the said trustees, and their successors in office, to be appropriated in the manner hereinafter directed, to wit: The said lands shall be sold at public auction, at such times and places as the said trustees shall direct, at a price not less than seventeen dollars per acre. And at the request of the State of Alabama, the *title* for those lands have been made directly to the trustees of the University. The patents have been issued by the President of the United States to the Trustees of the University of Alabama, in their corporate capacity, and their successors. From this view of the subject, which is undeniable, the undersigned believe that it must appear evident, that the Legislature now possesses no power to pass any law *violating* or *selling aside* any contract between the trustees of the University, in their corporate capacity, and the purchasers of the University lands. The passage of this bill the undersigned believe to be a violation of a *contract* solemnly entered into between parties

capable of contracting, and who actually had *contracted*, the one to *sell* and *convey*, and the other to *purchase* these lands at particular prices. But the further that we prosecute this inquiry, the more clearly will the unconstitutionality of this measure appear. In the opinion of the undersigned, it is a violation of the original compact between the United States and the State of Alabama; and applying this munificent donation to purposes which the General Government never intended. "The donation is given "for the use of a seminary of learning," and for that alone; "and to be appropriated solely to such seminary by the said Legislature." [See the act of Congress above specified, section 6.] By the acceptance of this donation, the State of Alabama became solemnly bound to appropriate it to the purposes for which it was given, and to this alone; and have engrained it as a provision into their State Constitution. Most certainly, then, the Legislature possess no power to apply the donation, or any of the moneys arising from those lands, by *rent, sale, or lease*, to any other purpose than "the support of a State University." If the Legislature possess the power to appropriate any part of those lands to any other objects, or, which is the same, any part of the moneys arising from the sale of those lands, they can so appropriate the whole, and totally defeat the object of the donors, and destroy the very purposes for which the donation was given. The undersigned believe, that the passage of this bill is an appropriation of that donation, or of the *moneys raised* from the sale of it, to the use of private individuals who, unfortunately for posterity and the world, became purchasers of those lands. The donation was given for the purpose of instilling the seeds of knowledge into the minds of the young and rising generation: the Legislature have appropriated it to swell the private fortunes of a few interested individuals, who have rendered no "public services" to entitle them to "exclusive privileges," unless a failure to comply with their contracts can be so considered. But the Constitution has not rested with a negative provision, that the donation should not be applied to other objects; but has expressly required the General Assembly to "take effectual means for the *improvement and permanent security* of the funds and endowments" of the University. In the provisions of this bill, which scatter those funds with the sweep of a fell destroyer, is not a violation of this provision of the Constitution, the undersigned are at a loss to know what *can* amount to a violation.

In the second place, the operation of the law will be unequal and unjust. The undersigned believe, that in granting relief of this kind, the person who has shewn the greatest disposition to comply with his contract is entitled to the first consideration. This bill, however, reverses the order of things, and totally excludes from any relief, or benefit, the man who has punctually complied with his contracts, and made complete payment for his lands. The nearer, also, that the purchaser has approached to a compliance with his contract, the smaller is the benefit which he is to receive from the proposed relief. It is the man who has shewn no disposition to comply with his contracts; who has paid nothing more than was barely sufficient to give him possession of the land, and has enjoyed the profits of it from six to ten years: it is him, and him alone, that is to reap this golden harvest.

It is also partial and unjust, inasmuch as it extends no relief to the purchasers of the lower priced lands, the second and third classes, at twelve and eight dollars. The undersigned believe that it is a fair presumption, yea, they believe that the knowledge of every man must convince him, that the lower priced lands have sold as much too high, in proportion, as the high priced lands. This bill extends those purchasers no relief. No; their misfortunes are forgotten! They are generally poor men; none of the attractions of *glittering wealth* have appeared to plead their cause.

In the next place, the undersigned believe that it is inexpedient and improper: it is calculated to diminish the funds of the University to an alarming extent. Its effects upon the prosperity of the institution will be disastrous in the extreme. It appears from the return of the agent of the Board of Trustees, that about seventy-seven quarter sections of land have sold at the price of seventeen dollars per acre, and upwards, which has raised a capital stock for the purposes of education, now well secured by bond, and a lien upon the land, amounting to \$216,000. Of this sum, there is due upon bonds \$121,387 50 cents, and in judgments \$34,792 77 cents, making in all \$156,177 27 cents, and a large amount in suit, which cannot now be ascertained. By the provisions of this bill, the whole of this debt is to be abandoned and given up to the debtors, by their relinquishing the land to the Trustees; and this sum is to be totally and for ever lost to the University, except the meager amount which the lands which may be relinquished can now be sold for. And as any person has permission to relinquish such part of his land as he may choose, the relinquishments will all be made in such a manner as to destroy the value of the part relinquished to any other person, with a view to purchase it again for a pittance. This undoubted fact, together with the ruinous mode of cultivation, and destruction of the timber, practiced upon the lands for many years, with a view to forfeiture or relinquishment, renders it highly probable,

yea, almost certain, that the lands could not now be sold for more than one third of what they originally sold for. Should this be the case, which the undersigned believe will hardly be questioned, the University will sustain a loss in its capital stock of something like \$1,000; the interest arising on this sum, according to the plan proposed by the Board of Trustees, would educate one hundred students annually, free of any charge either for board or tuition. The passage of this bill has dried that source to the very dregs. The cheering hopes of the youth of our country are now frustrated by one *North-western* blow! The pleasantest features of the case present a frightful view of the expediency of the measure, and a clear evidence of its injustice. This donation has been given for the benefit of the whole community; but the petition of nineteen individuals has given it a passport to a clime "from whence there is no return," and *prostituted* at *one blow* an institution which has been looked forward to with deep solicitude as the pride and the glory of our State. Richly endowed by the General Government, and its funds prudently managed, the University of Alabama was about to commence its operations under the fondest hopes and the felicitating smiles of a grateful people. Its buildings erected, vying in convenience and beauty with any in the Union—its faculty chosen, and men of the first distinction in this nation—its Trustees recommending to the General Assembly the adoption of a plan for the admission of students from every county of the State free of any charge; all things conspiring to elevate it to a proud distinction among the literary institutions of the present age. But, alas! the "day star" of its glory has set forever, and mouldering ruins may hereafter attract the traveller's eye to the spot where the temple of science was expected to appear. For these, and other reasons which might be adduced against the passage of the aforesaid bill, the undersigned now record their solemn protest.

THO. CRAWFORD,
NEAL SMITH.

Mr Dupuy presented the account of Henry Tuttle, against the State; which was referred to the committee on accounts and claims.

Mr Irwin, from the committee on Indian affairs, submitted the following report:

The committee on Indian affairs to which was referred a resolution instructing them to inquire into the expediency of addressing a memorial to the President of the United States, requesting him to adopt suitable measures to provide for the removal of such portion of the Creek Nation of Indians beyond the Mississippi as may be willing to emigrate to that country, have had the subject under consideration, and are of opinion, that such a course as is recommended in the resolution would be wholly improper; that it would be the means of adding greatly to the expense of their removal, by taking ~~them~~ in small and detached companies; it whilst would leave behind such only as would be willing to be removed thus present greater difficulties to the government of the U. States in the removal of those remaining; that the President of the United States, having commenced the task of removing the Nation, has no doubt obtained the best advice as to the means of effecting that object; and that in the opinion of your committee, any interference on the part of Alabama would be improper. They have, therefore, instructed me to report that in the opinion of your committee, it is inexpedient to interfere in the matter by memorial.

WILLIAM IRWIN, *Chairman*.

Ordered that the report lie on the table

Mr Pickett, from the committee on propositions and grievances to which was referred a bill to be entitled an act for the relief of the tax collector of Wilcox county, reported the same as amended, by striking out the first section, which provides compensation to Isaac C. Perkins, for assessing and collecting the taxes of Wilcox county, in addition to the commissions allowed by law. Mr Bridges moved that the Senate disagree to the report of the committee; which was carried. Yeas 11—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie, Bridges, Conner, Edmonson, Hogan, Irwin, Perry, Pickett, Smith, Vining and Wallhall—Those who voted in the negative are Mr President, Crawford, Dupuy, Garth, Hemphill, Hubbard, Jackson, Merriwether and Powell.

Ordered that the bill be engrossed and made the order of the day for a third reading to-morrow. Mr Jackson moved that the certificate of the Comptroller of public accounts in relation to the claim of Isaac C. Perkins for additional compensation, which accompanied the report on the above bill, be spread upon the journals of the Senate; which was lost. Yeas 9—Nays 12.

The yeas and nays being desired those who voted in the affirmative are, Messrs Abercrombie, Anderson, Crawford, Garth, Hogan, Hubbard, Jackson, Merriwether and

Smith—Those who voted in the negative are Mr President, Bridges, Conner, Dupuy, Edmondson, Hemphill, Irwin, Perry, Pickett, Powell, Vining and Walthall.

Mr Hubbard, from the committee on the judiciary to which was referred a bill to be entitled an act to amend the laws prescribing the mode of obtaining the testimony of witnesses residing out of this State, reported the same without amendment. *Ordered* that the bill be engrossed and made the order of the day for a third reading tomorrow.

Mr Irwin called up the bill to be entitled an act to provide for contesting elections for members of the general assembly. Mr Pickett offered the following amendment to the bill: And be it further enacted, that the said judge and commissioners shall be entitled to receive the sum of two dollars per day each, to be paid by the unsuccessful party; which was adopted. Mr Abercrombie moved that the further consideration of the bill be indefinitely postponed; which was lost. Yeas 9—Nays 13.

The yeas and nays being desired those who voted in the affirmative are Messrs Abercrombie, Anderson, Crawford, Edmondson, Hogan, Jackson, Merriwether, Powell and Vining—Those who voted in the negative are Mr President, Bridges, Conner, Dupuy, Garth, Hemphill, Hubbard, Irwin, Morton, Perry, Pickett, Smith and Walthall.

Mr Hogan moved that the bill be recommitted to a special committee; which was carried. Yeas 14—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Conner, Dupuy, Garth, Hemphill, Hogan, Hubbard, Irwin, Jackson, Merriwether, Perry, Powell, Smith and Vining—Those who voted in the negative are, messrs Abercrombie, Bridges, Crawford, Edmondson, Morton, Pickett and Walthall.

Whereupon messrs Hogan, Hubbard and Irwin were appointed the committee.

On motion of Mr Hogan, the communication received from the Governor on yesterday, together with the accompanying documents relating to certain defects in the militia laws, were committed to the military committee.

Mr Jackson introduced a bill to be entitled an act incorporating Florence Academy, in the town of Florence, Lauderdale county; which was read and ordered to a second reading to morrow.

Mr Hogan introduced a bill to be entitled act to regulate the licensing of retailers of spirituous liquors, and for other purposes, in the county of Baldwin, town of Blakely; which was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time forthwith, and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

The Senate resolved into a committee of the whole on the bill to be entitled an act to establish a Penitentiary for the State of Alabama; Mr Morton in the chair, and after some time spent in the consideration thereof, the committee arose; Mr President resumed the chair, Mr Morton reported the bill without amendment. Mr Hubbard moved that the bill lie on the table till the first day of August next; which was lost. Yeas 9—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie, Anderson, Bridges, Crawford, Hubbard, Irwin, Perry, Pickett and Walthall—Those who voted in the negative are, messrs President, Conner, Dupuy, Edmondson, Garth, Hemphill, Hogan, Jackson, Merriwether, Morton, Powell, Smith and Vining.

Mr Hubbard then moved that the bill lie on the table till the first of March next; which was lost. Yeas 9—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie, Anderson, Bridges, Crawford, Hubbard, Irwin, Perry, Pickett and Walthall.—Those who voted in the negative are, messrs President, Conner,

Dupuy, Edmondson, Garth, Hemphill, Hogan, Jackson, Merriwether, Morton, Powell, Smith and Vining

Mr Pickett moved to amend the bill so as to locate the Penitentiary at or within five miles of Lewis C. Davis's, in Autauga county; which was lost. Yeas 10—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Alercrombie, Bridges, Crawford, Hemphill, Hogan, Irwin, Perry, Pickett, Smith and Walthall* — Those who voted in the negative are, messrs *President, Anderson, Conner Dupuy, Edmondson, Garth, Hubbard, Jackson, Merriwether, Morton, Powell and Vining*.

On motion of Mr Bridges: *Ordered*, that the bill lie on the table.

Mr Bridges introduced a bill to be entitled an act for the relief of Winfred Jenison, wife of John Jenison; which was read and ordered to a second reading to morrow.

And then the Senate adjourned till to morrow morning at 10 o'clock.

Wednesday, Dec. 22, 1830.—The Senate met pursuant to adjournment.

Mr Perry presented the petition of sundry citizens of Lowndes county, praying that a part of Lowndes may be added to Dallas county; which was read and referred to the committee on county boundaries.

Mr Vining presented the petition of James Young of Madison county, and of other persons in his behalf, praying that said James Young may be authorised to establish a ferry across the Tennessee river; which was read and referred to the committee on roads, bridges and ferries.

Mr Morton, from the committee on roads, bridges and ferries, to which was referred a petition on the subject, reported a bill to be entitled an act to amend an act to appoint commissioners to lay off certain roads therein specified, so far as it relates to the State road leading from Tuscaloosa to the town of Claiborne, Pensacola and Blakely, passed Dec. 17, 1821, and for other purposes; which was twice read and ordered to be engrossed for a third reading to morrow.

Mr Morton, from the same committee to which was referred a resolution on the subject, reported a bill to be entitled an act to appropriate a part of the three per cent fund for the purchase of male slaves; which was read and ordered to a second reading to morrow.

Mr Hubbard introduced a bill to be entitled an act altering the times of holding the circuit courts in the several counties in this State; which was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time and referred to the committee on the judiciary.

Mr Bridges, from the special committee to which was referred the petition of Henry Taylor, reported a bill to be entitled an act to authorize Henry Taylor, of Wilcox county, to emancipate a slave therein named; which was read and ordered to a second reading to morrow.

Mr. Garth introduced a bill to be entitled an act prescribing the duties of certain officers; which was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time, and committed to the committee on the judiciary.

Mr. Hogan introduced a bill to be entitled an act supplemental to an act entitled an act to revive and continue in force for three year an act for improving the road leading from Blakely to the upper line of Baldwin county, by way of Durant's, passed 6th January, 1827: which was read and ordered to a second reading to-morrow.

Mr. Irwin introduced a bill to be entitled an act to alter and amend the militia laws of this State; which was read: and the rule requiring bills to be read on three several days being dispensed with, the bill was read the

Mr Jackson, from the special committee to which was referred a bill to be entitled an act to alter and amend the laws of usury, reported the same as amended; which was concurred in. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr Hogan called up the bill to be entitled an act to establish an Academy in the county of Mobile. *Ordered*, that the bill be made the order of the day for a third reading to-morrow.

Mr Crawford introduced a bill to be entitled an act to establish a State road from Tuscaloosa to Montgomery; which was read: and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time and committed to the committee on roads, bridges and ferries.

Mr President laid before the Senate a report from the Comptroller of Public Accounts, made in obedience to a resolution of the Senate, directing him to lay before them the amount of revenue accruing to the State annually from the tax on billiard tables, and tavern licenses, &c. which was referred to a special committee, consisting of messrs Hogan, Crawford and Vining.

Mr Merriwether called up the bill to be entitled an act to compensate the commissioners of roads and revenue of the counties of Greene, Perry, Lawrence, Marengo and Dallas, for their services. *Ordered*, that the bill be made the order of the day for a third reading on to-morrow.

Mr Powell presented the account of Thomas Goodman against the State; which was referred to the committee on accounts and claims.

A bill to be entitled an act to authorize the review of a certain road therein named, was read the second time and ordered to lie on the table.

A bill to be entitled an act to change the time of holding the county court of Pike county; and an act relating to the acknowledgement of deeds, and relinquishment of dower, were severally read the first time and ordered to a second reading to-morrow.

An engrossed bill to be entitled an act to amend the laws in relation to private roads, was read the third time and passed. *Ordered* that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act to enable the State of Alabama to sell and dispose of certain lands therein named, was read the third time and ordered to lie on the table till to-morrow.

An engrossed bill to be entitled an act to establish a State road from Harpersville, in Shelby county, by Columbiana and Maplesville to Selma, was read the third time. Mr Irwin moved that the further consideration of the bill be indefinitely postponed; which was lost. Yeas 2—Nays 20.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Hemphill and Irwin* — Those who voted in the negative are, messrs *President, Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hogan, Hubbard, Jackson, Merriwether, Morton, Perry, Pickett, Powell, Smith Vining and Walthall*. The bill was then passed.

Ordered, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A bill to be entitled an act to authorize Henry Brazleton, administrator of the estate of Joel Ledbetter, deceased, to convey a certain tract of land therein named, was read the third time; and the question being put, Shall the bill pass? it was decided in the affirmative. Yeas 12—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Abercrombie, Anderson, Bridges, Conner, Dupuy, Hemphill, Irwin, Perry, Powell, Vining and Walthall*.—Those who voted in the negative are,

messrs *Crawford, Edmondson, Hogan, Hubbard, Jackson, Merriwether, Morton, Pickett and Smith*. So the bill was passed.

Ordered, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to compensate Washington Allen for certain services therein named, was read the second time and committed to the committee on propositions and grievances.

The Senate resumed the consideration of the bill to be entitled an act to authorize William Reed, guardian of John Stevens, a minor, to sell and convey certain real estate. The question was put, Shall the bill pass? and determined in the affirmative. Yeas 13—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Abercrombie, Anderson, Conner, Dupuy, Hemphill, Irwin, Perry, Pickett, Powell, Smith, Vining and Walthall*—Those who voted in the negative are, messrs *Bridges, Crawford, Edmondson, Garth, Hogan, Hubbard, Jackson, Merriwether and Morton*.

Ordered, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A bill to be entitled an act for the relief of the holders of lots purchased at the first sale of lots in the town of Cahawba, was read the second time and committed to the committee on propositions and grievances.

A bill to be entitled an act defining the liabilities of the securities of executors and administrators, was read the second time and committed to the committee on the judiciary.

A bill to be entitled an act to change the time of convening the General Assembly, was read the second time. Mr Irwin moved to amend the bill by striking therefrom the words *the first Monday of December*; which was lost. Mr Powell moved that the further consideration of the bill be indefinitely postponed; which was lost. Yeas 9—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Dupuy, Garth, Hemphill, Hubbard, Jackson, Merriwether, Powell and Smith*—Those who voted in the negative are, messrs *Abercrombie, Anderson, Bridges, Crawford, Edmondson, Hogan, Irwin, Perry, Pickett, Vining and Walthall*.

The question was put, Shall the bill be engrossed and made the order of the day for a third reading to-morrow? and lost. Yeas 10—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Abercrombie, Bridges, Crawford, Edmondson, Hogan, Irwin, Perry, Pickett, Vining and Walthall*.—Those who voted in the negative are, messrs *President, Anderson, Dupuy, Garth, Hemphill, Hubbard, Jackson, Merriwether, Powell and Smith*.

A bill to be entitled an act to compel the owners of toll bridges and ferries to renew their bonds at regular periods, was read the second time and committed to the committee on the judiciary.

A bill to be entitled an act declaratory of an act entitled an act in relation to seaman belonging to vessels in merchants' service, was read the second time and ordered to be engrossed for a third reading to-morrow.

Engrossed bills of the following titles, to wit: an act for the relief of Polly Caperton, wife of Hugh Caperton; an act to revive and continue in force so much of an act entitled an act to regulate the licensing of physicians to practise, and for other purposes therein named, approved Dec. 22, 1823, as established a medical board in the city of Mobile; an act to amend the laws prescribing the mode of obtaining the testimony of witnesses residing out of the State; and, an act incorporating Florence Academy, in the town of Florence, Lauderdale county; were severally read the third time

and passed. *Ordered*, that the titles of the bills be as aforesaid, and that they be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act to curtail the amount of damages upon bills of exchange purchased by the Bank of the State of Alabama, was read the third time: and a call of the House being requested, the bill was laid on the table for one hour.

Mr Powell moved that the Senate adjourn till to-morrow morning at 10 o'clock; which was lost. Yeas 9—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Abercrombie, Dupuy, Garth, Hogan, Irwin, Powell, Smith and Vining*.—Those who voted in the negative are, messrs *Anderson, Bridges, Crawford, Edmondson, Hubbard, Jackson, Merriwether, Perry, Pickett and Walthall*.

An engrossed bill to be entitled an act to compell county officers to pay over all public moneys they may receive, was read the third time and passed. Yeas 14—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Anderson, Bridges, Conner, Crawford, Dupuy, Garth, Hogan, Hubbard, Jackson, Pickett, Powell, Smith, Vining and Walthall*.—Those who voted in the negative are, messrs *President, Edmondson, Irwin, Merriwether and Perry*.

Ordered, that the title of the bill be as aforesaid, and that it be sent to House of Representatives for their concurrence.

A bill to be entitled an act for the relief of Winiford Jemison, wife of John Jemison, was read the second time, and ordered to be engrossed for a third reading to-morrow.

An engrossed bill to be entitled an act for the relief of the tax collector of Wilcox county, was read the third time. Mr Bridges moved to fill the blank in the bill with *fifty five dollars*. Mr Morton moved that the bill be committed to a special committee; which was carried: whereupon messrs Morton, Jackson and Perry were appointed.

On motion of Mr Irwin, *Ordered*, that messrs Perry and Dupuy be added to the military committee.

Mr Jackson moved that the Senate adjourn till to-morrow morning at 10 o'clock; which was lost. Yeas 9—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Abercrombie, Edmondson, Hemphill, Hogan, Irwin, Merriwether, Morton, and Powell*.—Those who voted in the negative are, messrs *Anderson, Bridges, Conner, Crawford, Dupuy, Garth, Hubbard, Perry, Pickett, Smith and Walthall*.

At 20 minutes past 1 o'clock, Mr Hogan moved that the Senate adjourn till half past 9 o'clock to-morrow; which was lost. Yeas 7—Nays 14.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Abercrombie, Conner, Edmondson, Hogan, Morton, Powell and Vining*.—Those who voted in the negative are, messrs *President, Anderson, Bridges, Crawford, Dupuy, Garth, Hemphill, Hubbard, Irwin, Merriwether, Perry, Pickett, Smith and Walthall*.

Mr Morton moved that the Senate adjourn till 9 o'clock to-morrow; which was lost. Yeas 4—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are, Messrs *Conner, Edmondson, Morton and Powell*.—Those who voted in the negative are, messrs *President, Anderson, Bridges, Crawford, Dupuy, Garth, Hogan, Hubbard, Irwin, Merriwether, Perry, Pickett, Smith, Vining and Walthall*.

Mr Vining offered the following resolution: *Resolved*, that the committee on propositions and grievances, be instructed to inquire into the expediency of passing a law, prohibiting the poisoning water courses, for the destruction of fish, with leave to report by bill or otherwise; which was adopted.

Mr Hogan offered the following resolution: *Resolved*, that a special committee be appointed to inquire into the loss of the carpet, paid for out of the contingent fund for the use of the Senate; which was adopted: whereupon, messrs Hogan, Powell and Garth were appointed the committee.

Mr Morton moved that the Senate adjourn till to-morrow morning at 10 o'clock; which was carried. Yeas 11—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Conner, Dupuy, Edmondson, Garth, Hogan, Merriwether, Morton, Pickett, Powell and Vining—Those who voted in the negative are, messrs Anderson, Bridges, Crawford, Hubbard, Irwin, Perry and Walthall.

The Senate accordingly adjourned till to-morrow morning at 10 o'clock.

Thursday, Dec. 23, 1830.—The Senate met pursuant to adjournment.

Mr Hogan presented the petition of sundry inhabitants of the city of Mobile, praying the passage of a law to subject all cotton fraudulently packed, to condemnation; which was read and referred to a special committee, consisting of messrs Hogan, Smith and Hemphill.

Mr Perry presented the petition of Priscilla Reynolds, administratrix, and Carter B. Harrison, administrator, of the estate of James Reynolds, deceased, praying the passage of a law authorizing them to sell, under certain restrictions, the ferry at the town of Selma; which was read and referred to a special committee, consisting of messrs Perry, Pickett and Walthall.

Mr Perry presented the account of Adam Taylor, sheriff of Dallas county, against the State; which was read and referred to the committee on accounts and claims.

On motion of Mr Perry, Mr Bridges obtained leave of absence until Thursday next.

Mr Powell presented the petition of sundry citizens, inhabitants of the 6th ward of the town of Tuscaloosa, praying the passage of a law, by which each ward may be entitled to the benefit of the taxes they pay, and that the same may not be applied to the benefit of other wards; which was read and referred to a special committee, consisting of messrs Powell, Abercrombie and Edmondson.

Mr Powell introduced a bill to be entitled an act to incorporate the Franklin Institute of Tuscaloosa; which was read a first time; and the rule requiring bills, joint resolutions and memorials to be read on three several days, being suspended, it was read a second and third time forthwith, and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Garth offered the following resolution: *Resolved, by the Senate*, that the two Houses will adjourn *sine die* on the 8th January next; and that the Senate requests the concurrence of the House of Representatives in adopting this resolution. Mr Morton moved that the resolution lie on the table. Mr Anderson moved to amend the motion by adding, *till the first day of March*; which was lost. Yeas 10—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are messrs President, Anderson, Dupuy, Hemphill, Hubbard, Jackson, Morton, Perry, Powell and Smith—Those who voted in the negative are messrs Abercrombie, Bridges, Crawford, Edmondson, Garth, Irwin, Merriwether, Pickett, Vining and Walthall.

Mr Hubbard moved that the resolution lie on the table till Monday next; which was carried.

Mr Morton, from the special committee to which was referred an engrossed bill to be entitled an act for the relief of the tax collector of Wilcox county, reported the same with sundry amendments; which were severally disagreed to. Yeas 10—Nays 9.

The yeas and nays being desired, upon disagreeing to the amendments, those who voted in the affirmative are, messrs President, Bridges, Conner, Edmondson, Hubbard, Perry, Pickett, Smith, Vining and Walthall.—Those who voted in the negative are, messrs Anderson, Crawford, Garth, Hemphill, Irwin, Jackson, Merriwether, Morton and Powell.

Mr Bridges moved to fill the blank in the first section of the bill with the sum of fifty five dollars which was lost. Yeas 9—Nays 11.

The yeas and nays being as aforesaid, those who voted in the affirmative are, messrs Bridges, Conner, Edmondson, Hogan, Perry, Pickett, Smith, Vining and Walthall—those who voted in the negative are, messrs President, Anderson, Crawford, Gath, Hemphill, Hubbard, Irwin, Jackson, Merriwether, Morton and Powell.

Mr Bridges moved to fill the blank with the sum of fifty four dollars; which was carried. Yeas 10—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Bridges, Conner, Edmondson, Hogan, Perry, Pickett, Smith, Vining and Walthall—those who voted in the negative are, messrs Anderson, Crawford, Gath, Hemphill, Hubbard, Jackson, Merriwether, Morton and Powell.

A call of the Senate being desired, the bill was laid upon the table for one hour.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives did on yesterday, adopt the following resolution; in which they desire the concurrence of the Senate: *Resolved*, that, with the concurrence of the Senate, the two Houses will assemble in the Representative Hall to morrow at 12 o'clock, for the purpose of electing a judge of the county court for Fayette county, to fill the vacancy of Roddy Smith, resigned.

Mr Morton introduced a bill to be entitled an act to revive an act entitled an act to incorporate the Trustees of the Tuscumbia Academy; which was read a first time and ordered to a second reading on Monday next.

Mr Morton introduced a bill to be entitled an act to amend the charter of the Tuscumbia Railway company; which was read a first time: and the rule requiring bills, joint resolutions and memorials to be read on three several days being dispensed with, it was read a second time and referred to a special committee, consisting of messrs Morton, Jackson and Anderson.

Mr Crawford introduced a bill to be entitled an act better to provide for holding elections for members of the General assembly and public officers; which was read and ordered to a second reading on Monday next.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to provide for the free admission of students into the University of Alabama, from the several counties of this State in proportion to their population: Mr Morton in the chair, and after sometime spent in the consideration thereof, the committee rose. Mr President resumed the chair, and mr Morton reported the bill without amendment; which was concurred in. The bill was ordered to be engrossed and made the order of the day for a third reading on Monday next.

The Senate then adjourned until Monday morning at 10 o'clock.

Monday, Dec. 27, 1830.—The Senate met pursuant to adjournment.

A message was received from the House of Representatives by mr Van Dyke: Mr President—The House of Representative have read three several times and passed, a joint resolution which originated in the Senate, requiring the Secretary of State, Comptroller of Public Accounts, or Treasurer of the State, to administer the oaths of office to the members of the General Assembly. They have also read three several times and passed, bills which originated in the Senate, of the following titles, to wit: an act to fix the seat of justice in Clarke county; and, an act to prevent the citizens of this State from being sued in civil cases before any justice of the peace out of the beat in which they respectively reside; and have amended the same as set forth in said bills: in which several amendments the concurrence of the Senate is requested. They have also read three several times and passed bills which originated in their House, of the following titles, to wit: an act to organize a separate Supreme Court; an act making an appropriation for the payment of the members and officers of the present General Assembly; an act to limit the return of executions issued from the orphan's court; and, an act to amend the act regulating judicial proceedings. They have also read and adopted joint resolutions, entitled joint resolutions of the Senate and House of Representatives of the State of Alabama in Gene-

ral Assembly convened; and the following resolution: *Resolved*, that with the concurrence of the Senate, the two Houses will assemble in the Representative Hall on Friday next, at the hour of 12 o'clock, A. M. for the purpose of going into the election of the President and Directors of the Bank of the State of Alabama: in all of which the concurrence of the Senate is requested.

Mr Hogan presented the petition of Wm. Jordan, praying the passage of a law to authorize him to keep a ferry over Basset's Creek, without applying for license; which was read and referred to the committee on roads, bridges and ferries.

Mr Hogan presented the petition of Gilbert C. Russel, praying the passage of a law which will enable him to get the testimony of any person in the State of Alabama, that may be required under the authority of a *dedimus* issuing from a court in Louisiana, or any other state or territory; which was read and referred to the judiciary committee.

Mr Irwin, from the military committee to which was referred a bill entitled an act to alter and amend the militia laws of this State, reported the bill with the following amendments: Strike out the 1st, 2d, 3d, 4th, 5th, 7th and 8th sections; strike out all of the 6th section after the word 'act' in the 2d line, and insert the following: 'hold a commission in the militia of this State five consecutive years, shall be entitled to a certificate from the adjutant and inspector general of this State, and be exempt from militia or patrol duty from and after except in cases of invasion, rebellion, insurrection or drafts: provided, said certificate state that said officer has faithfully, and with ability, discharged his duty in the grade or grades in which he may have served;' strike out in the 3d line of the 9th section, the word 'twenty,' with a view of inserting the word 'ten.' The question was then taken upon concurring in so much of the report of the committee as proposes to strike out the first five sections, and carried. Mr Jackson moved that the Senate disagree to so much of the report of the committee as proposes to strike out the 7th section, which was lost; and the report of expediency to strike out the 8th section was concurred in, as also the amendment to the 9th section. The question was next taken upon the proposed amendment to the 6th section, and concurred in. Mr Crawford moved to strike out the 6th section as amended; which was lost. On motion of Mr Irwin, the bill was laid on the table.

Mr Anderson offered a joint resolution, authorizing and requiring the Governor to appoint suitable persons to digest and form a code of laws for the government of the militia of this State; which was read a first time and ordered to a second reading to-morrow.

Mr Irwin, from the military committee to which was referred a resolution instructing them to inquire into the expediency of forming two regiments in the county of Montgomery, reported that it was inexpedient; and reported a bill to be entitled an act to attach a portion of the 40th regiment to the 24th regiment of Alabama militia in the county of Montgomery; which was read a first time and ordered to a second reading to-morrow.

Mr Perry, from the special committee to which was referred the petition of Priscilla Reynolds, Administratrix, and Carter B. Harrison, Administrator, of the estate of James Reynolds, deceased, reported a bill to be entitled, an act to authorize the Representatives of the estate of James Reynolds, deceased, to sell and dispose of real estate under certain restrictions; which was read a first time and ordered to a second reading on to-morrow.

Mr Hogan introduced a bill to be entitled, an act to amend an act entitled an act to alter and amend the charter of incorporation of the city of Mobile; which was read a first time; and the rule requiring bills, joint resolutions, and memorials to be read on three several days being suspended, the bill received a second and third reading forthwith, by its caption. The question was then put, "Shall the bill pass?" and decided in the affirmative. Yeas 13—Nays 6

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Conner, Crawford, Dupuy, Garth, Hogan, Hubbard, Irwin, Morton, Pickett, Powell, Smith, and Vining.—Those who voted in the negative are, messrs Abercrombie, Anderson, Edmondson, Hemphill, Jackson, and Perry. On

dered, that the title be as aforesaid, and that the bill be sent to the House of Representatives for their concurrence.

Mr Dupuy introduced a bill to be entitled, an act prescribing the duty of officers, in ordering military elections; which was read a first time, and the rule requiring bills, joint resolutions and memorials to be read three several days, being suspended, the bill was read a 2d time forthwith. Mr Hemphill offered an amendment to the bill by adding thereto the following additional section: *And be it further enacted*, that it shall be the duty of the Secretary of State to direct the commissions to the adjutant to which the office shall belong. Before the vote was taken upon the proposed amendment, Mr Irwin moved to refer the bill and amendment to a special committee, which was carried: whereupon messrs Irwin, Hemphill and Dupuy, were appointed said committee.

A bill from the House of Representatives entitled an act to amend the act regulating judicial proceedings; which was read a first time and ordered to a second reading on to-morrow.

A joint resolution and bills from the House of Representatives entitled, joint resolution of the Senate and House of Representatives of the State of Alabama in General Assembly convened; an act to limit the return of executions issued from the orphan's court; and, an act making an appropriation for the payment of the members and officers of the present General Assembly; were severally read a first time and ordered to a second reading on to-morrow.

The amendments made by the House of Representatives to the bill which originated in the Senate entitled, "an act to fix the seat of justice in Clarke county," being under consideration, Mr Hubbard moved to lay the same with the bill on the table. Mr Abercrombie moved to amend the motion by adding *till Monday next*; which was carried. The bill was accordingly laid on the table till Monday next.

The following communication was received from his Excellency the Governor, by James I. Thornton, Secretary of State.

EXECUTIVE DEPARTMENT, *December 27, 1830.*

The Hon. the President and Members of the Senate.

Gentlemen: I have received from the War Department three boxes of the Infantry tactics, including exercises and manœuvres of Light Infantry and Riflemen, adopted by an act of Congress for the use of the militia of the United States. I beg leave to suggest to your honorable body, the propriety of adopting the plan by which these copies shall be distributed among the officers of our militia. I have the honor to be, with high regard, most respectfully, your ob't. servant,

GABRIEL MOORE.

Ordered by the Senate, that the communication be referred to the military committee.

A bill from the House of Representatives entitled an act to organize a separate supreme court, was read a first time. Mr Anderson moved that the rule requiring bills, joint resolutions and memorials to be read on three several days be suspended, and that the bill receive a second reading forthwith, by its caption; which was lost. Yeas 10—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Anderson, Conner, Hogan, Jackson, Morton, Perry, Ponnell, Smith and Vining* — Those who voted in the negative are, messrs *Abercrombie, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hubbard, and Pickett.*

The bill was accordingly made the order of the day for a second reading on to-morrow.

Mr Jackson moved to disagree to the amendment made by the House of Representatives to the first section of a bill which originated in the Se-

nate, entitled an act to prevent the citizens of this State from being sued in civil cases before any justice of the peace, out of the beat in which they may respectively reside; which was lost. Yeas 8—Nays 10

The yeas and nays being desired, those who voted in the affirmative are, messrs *Crawford, Edmondson, Garth, Hogan, Jackson, Powell, Smith and Vining*. — Those who voted in the negative are, messrs *President, Abercrombie, Anderson, Conner, Dupuy, Hemphill, Hubbard, Morton, Perry and Pickett*.

The Senate also concurred in the amendment made by the House of Representatives to the title of the bill so as to make it read, *an act to regulate trials before justices of the peace*.

The resolution from the House of Representatives, proposing to go into the election of a President and Directors of the Bank of the State of Alabama on Friday next, at the hour of 12 o'clock, A. M., was read and laid on the table.

The following resolution, received from the House of Representatives on Thursday last, was read; *Resolved*, that with the concurrence of the Senate, the two Houses will assemble in the Representative Hall on to-morrow at 12 o'clock, for the purpose of electing a judge of the county court for Fayette county, to fill the vacancy of Roddy Smith, resigned. Mr Anderson moved to amend the resolution, by striking out the word *to-morrow*, and inserting in lieu thereof, *the words Saturday the first day of January next*; which was carried. Mr Garth moved further to amend the resolution, by adding to the end thereof the words, *and two Trustees of the University, from each judicial circuit in this State*; which was carried.

Mr Powell asked leave to lay before the Senate a communication from Wm. Nichols, Sen. on the subject of the defective workmanship on the roof of the State Capitol, and of the liability of the Architect for neglect of duty; which was read and referred to the committee on the State Capitol.

A bill to be entitled an act to revive an act entitled an act to incorporate the Trustees of the Tusculumbia Academy, was read a second time and ordered to be engrossed for a third reading on to-morrow.

A resolution proposing, with the concurrence of the House of Representatives, that the two Houses will adjourn *sine die* on the 8th of January next, was ordered to be laid on the table.

A bill to be entitled an act better to provide for holding elections for members of the General Assembly, and public officers, was read a second time. Mr Hogan moved to amend the bill, by adding thereto the following additional section: *And be it further enacted*, that it shall be discretionary with the sheriff to open polls between the hours of ten and twelve on the day of said election: which was carried. *Ordered* by the Senate, that the bill be engrossed and made the order of the day for a third reading on to-morrow.

Mr Hogan introduced a joint resolution, making it unlawful for the President and Directors of the Bank of the State of Alabama, after the first day of August 1831, to issue any bill or note of a less denomination than three dollars. Mr Anderson moved that the resolution be indefinitely postponed; which was carried. Yeas 10—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Abercrombie, Anderson, Dupuy, Garth, Hemphill, Pickett, Powell, Smith and Vining*. — Those who voted in the negative are, messrs *Conner, Crawford, Edmondson, Hogan, Hubbard, Jackson and Perry*.

And then the Senate adjourned until to-morrow morning 10 o'clock.

Tuesday, Dec. 28, 1830.—The Senate met pursuant to adjournment.

Mr Hubbard, from the special committee to which was referred a resolution requiring them to inquire into the expediency of an act to regulate costs upon suits brought on bills of exchange, reported a bill to be entitled

an act regulating the costs upon suits brought on bills of exchange, was read a first time and ordered to a second reading on to morrow.

A message was received from his Excellency the Governor, by James I. Thornton, Secretary of State; which is as follows:

EXECUTIVE DEPARTMENT. *December 23, 1830.*

To the Hon. the President and Members of the Senate,

Gentlemen: I have received the resignation of his honor S. C. Richardson, judge of the county court of Conecuh county. I have the honor to be, with high regard, most respectfully your obedient servant,

GABRIEL MOORE.

Mr Hemphill presented the petition of sundry citizens of Monroe county, praying that they may be added to the county of Butler, &c.; which was read and referred to the committee on county boundaries.

Mr Morton, from the special committee to which was referred a bill to be entitled an act supplementary to an act to incorporate the Tusculum railway company, reported the same with sundry amendments; which were concurred in by the Senate. Mr Jackson moved to amend the fourth section of the bill by striking therefrom the word: "and the jury in estimating said damages shall take into the estimate the benefit resulting to the owners from conducting said railway through or near the property of such owner or owners; which was carried. Yeas 11—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Anderson, Crawford, Edmondson, Hemphill, Hogan, Jackson, Merriwether, Perry, Powell and Vining*—Those who voted in the negative are, messrs *Conner, Garth, Hubbard, Irwin, Morton and Powell.*

Mr Jackson moved to amend the sixth section of the bill by striking therefrom the following: "and it shall not be lawful for any other company, or any person or persons whatsoever, to travel upon or use any of the roads of said company, or to transport persons, goods or produce along said road, without the permission of the President and Directors of said company;" which was carried. Yeas 13—Nays 4.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Anderson, Conner, Crawford, Edmondson, Hemphill, Hogan, Hubbard, Jackson, Merriwether, Perry, Powell and Vining*—Those who voted in the negative are, messrs *Garth, Irwin, Morton and Smith.*

Mr Anderson moved to postpone the bill indefinitely; which was lost. Yeas 4—Nays 17.

The yeas and nays being desired, mr *Anderson*, voted in the affirmative.—Those who voted in the negative are, messrs *President, Conner, Crawford, Edmondson, Garth, Hemphill, Hogan, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Pickett, Powell, Smith, and Vining.*

The bill was then ordered to be engrossed and made the order of the day for a third reading on to morrow.

Mr Powell presented the account of John M. Kirk against the State; which was referred to the committee on accounts and claims.

Mr Hogan, from the special committee to which was referred a bill to be entitled an act to provide for contesting elections for members of the General Assembly, reported the same without amendment. Mr Hogan moved to lay the bill on the table till Thursday next; which was carried.

Mr Conner introduced a bill to be entitled an act to authorize the guardian of the minor heirs of James Lovin, late of St Clair county, deceased, to sell the real estate which belonged to said decedent; which was read a first time and ordered to a second reading on to morrow.

Mr Powell, from the committee on enrolled bills, reported as correctly enrolled; an act to authorize Henry Brazleton, administrator of the estate of Joel Ledbetter, deceased, to convey a certain tract of land therein nam-

ed; memorial of the General Assembly of the State of Alabama, to the honorable the Senate and House of Representatives of the United States in Congress assembled; an act to compensate Jack Shackelford, receiver of public moneys at the land office at Courtland, for certain services therein named; and, an act to authorize Thomas A. Heard, of Walker county, to erect a mill and other water works on the Black Warrior river; which were accordingly signed by Mr President.

The resolution authorizing and requiring the Governor to appoint competent and qualified persons to digest and form a code of laws for the government of the militia, of this State, was read a second time, and the question being put, Shall the resolution be read a third time? it was rejected.

A bill to be entitled an act to attach a certain portion of the 40th regiment to the 24th regiment of Alabama militia, in the county of Montgomery, was read the second time. Mr Abercrombie offered the following amendment to the bill, *Sec: And be it further enacted* that all the militia in that part of Lowndes, which has been taken from Dallas, Wilcox, Butler and Pike counties, shall be added to, and form a part of the 40th regiment; which was adopted. *Ordered*, that the bill lie on the table.

A bill to be entitled an act to authorize the representatives of the estate of James Reynolds, deceased, to sell and dispose of real estate under certain restrictions, was read a second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to amend the act regulating judicial proceedings, was read the second time and ordered to a third reading to-morrow.

Joint resolutions from the House of Representatives entitled, joint resolutions of the Senate and House of Representatives of the State of Alabama in General Assembly convened, were read the second time, and the rule requiring joint resolutions to be read on three several days being dispensed with, the resolutions were read the third time and passed. Yeas 19—Nay 1.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Abercrombie, Anderson, Conner, Dupuy, Edmondson, Garth, Hemphill, Hogan, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Pickett, Powell, Smith and Vining — — Mr Crawford voted in the negative.

A Bill to be entitled an act to limit the return of executions issued from the orphans court, was read a second time and referred to the committee on the judiciary.

A bill from the House of Representatives, to be entitled an act making an appropriation for the payment of the members and officers of the present General assembly, was read a second time.

Mr Garth moved that the rule requiring bills, joint resolutions, and memorials to be read on three several days be suspended, in order to read the bill a third time; which was carried. Yeas 19—Nay 1.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Abercrombie, Anderson, Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hogan, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Pickett, Smith and Vining — — Mr Powell voted in the negative.

The bill was accordingly read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to appropriate a part of the three per cent fund for the purchase of male slaves, was read a second time and referred to the committee on inland navigation.

A bill to be entitled an act to authorize Henry Taylor, of Wilcox county, to emancipate a slave therein named, was laid upon the table until Thursday next.

A bill to be entitled an act supplemental to an act entitled an act to revive and continue in force for three years, an act for improving the road

leading from Blakely to the upper line of Baldwin county, by the way of Durant's, passed 6th Jan. 1827, was read a second time. Mr Hogan moved to amend the bill by striking out the word *January* wherever it occurs in the bill, and inserting the word *February*; which was carried. Mr Hogan moved to suspend the rule requiring bills, joint resolutions and memorials to be read on three several days, in order to give the bill a third reading forthwith; which was carried; and the bill was read a third time by its caption and passed. *Ordered*, that the title be as aforesaid, and that the concurrence of the House of Representatives be requested thereon.

On motion of Mr Conner, Mr Hemphill was added to the committee on inland navigation.

A bill to be entitled an act to organize a separate supreme court, was read a second time. Mr Pickett offered the following amendment to the bill: "*And be it further enacted*, that this act shall be in force from and after the session of the Legislature for one thousand eight hundred and thirty-three." Mr Hogan moved to refer the bill and amendment to the committee on the judiciary; which was carried.

An engrossed bill to be entitled an act better to provide for holding elections for members of the General Assembly and public officers, was read a third time and passed. *Ordered*, that the title be as aforesaid, and that the bill be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act to revive an act entitled an act to incorporate the Trustees of the Tusculum Academy, was read a third time and passed. *Ordered*, that the title be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A bill to be entitled an act for the relief of the tax collector of Wilcox county, was laid on the table.

Engrossed bill to be entitled an act to provide for the free admission of students into the University of Alabama, from the several counties of this State in proportion to their population, was read a third time. Mr Crawford moved to amend the bill by way of engrossed rider to the fourth section; which was carried. He further moved to amend the bill by an additional section, to come in as section five; which was carried. He further moved to amend the sixth section of the bill by inserting after the word *shall*, in the first line, the words *upon the production of the proper certificate*; which was carried.

He further moved to amend the bill by way of additional section, to come in as section eight; which was carried. Mr Anderson moved to fill the blank in the fifth section of the bill with the word *six*; which was lost. Yeas 5—Nays 14.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Abercrombie, Anderson, Hemphill, Hogan and Jackson*.—Those who voted in the negative are, messrs *President, Conner, Crawford, Dupuy, Edmondson, Garth, Hubbard, Irwin, Merriwether, Perry, Pickett, Powell, Smith and Vining*.

Mr Anderson next moved to fill the blank with the word *four*; which was lost. Yeas 7—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Abercrombie, Anderson, Conner, Hemphill, Hogan, Hubbard and Jackson*.—Those who voted in the negative are, messrs *President, Crawford, Dupuy, Edmondson, Garth, Irwin, Merriwether, Perry, Pickett, Powell, Smith and Vining*.

Mr Hubbard then moved to fill the blank with the word *three*; which was carried. Yeas 11—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Abercrombie, Conner, Crawford, Edmondson, Hemphill, Hogan, Hubbard, Irwin, Jackson, Merriwether and Perry*.—Those who voted in the negative are, messrs *President, Anderson, Dupuy, Garth, Pickett, Powell, Smith and Vining*.

The question was then put. Shall the bill pass? and decided in the affirmative. *Ordered*, that the title be as aforesaid, and that it be sent to the House of Representatives for their concurrence. *Mr Crawford* moved to reconsider the vote on the passage of the bill; which was carried. He then moved that the bill be re engrossed and made the order of the day for a third reading on to-morrow; which was carried.

Mr Pickett offered a resolution which is as follows: Whereas the practice at present pursued in the several courts in this State of issuing subpoenas returnable to each and every court, to compel the attendance of witnesses, greatly increases the expense of law suits: *Be it therefore resolved*, that the judiciary committee be instructed to report a bill to remedy this unnecessary evil, by compelling the attendance of witnesses from court to court until the suit is determined, or until the party at whose instance the witness or witnesses were summoned, shall dismiss said witness or witnesses; which was adopted.

Mr Dupuy introduced a bill to be entitled an act to authorize ^{the} judge of the county court, and commissioners of revenue and roads of Walker county, to levy an extra county tax, for the completion of the public buildings of said county; which was read and ordered to a second reading on to-morrow.

Mr Hubbard moved to take from the table a joint resolution proposing amendments to the Constitution of the State of Alabama, in relation to the number of counties composing each judicial circuit; which was carried.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Wednesday, Dec. 29, 1830.—The Senate met pursuant to adjournment.

Mr Morton, from the committee on roads, bridges and ferries, to which was referred the petition of sundry inhabitants of the counties of Morgan, Madison and Limestone, praying the establishment of a ferry across the Tennessee river, reported a bill to be entitled an act to establish a public ferry in the county of Madison; which was read and ordered to a second reading to-morrow.

Mr Morton, from the same committee to which was referred a bill to be entitled an act to establish a State road from Tuscaloosa to Montgomery, reported that it is inexpedient in the opinion of the committee to pass the bill. *Mr Powell* moved that the Senate disagree to the report of the committee; which was carried.

Ordered, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr Perry, from the committee on the judiciary to which was referred a bill to be entitled an act prescribing the duties of certain officers, reported the same as amended; which was concurred in. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr Irwin, from the special committee to which was referred a bill to be entitled an act prescribing the duty of officers in ordering military elections, reported the same without amendment. *Mr Irwin* offered the following amendment to the bill: "*And be it further enacted*, that an act approved the 15th day of January 1828, authorizing but two company musters in any one year, be, and the same is hereby repealed; and that the militia law digested by Gen. T. W. Farrar be revived so far as relates to the number of company musters;" which was rejected. Yeas 6—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Conner, Dupuy, Hemphill, Hogan, Irwin and Smith.*—Those who voted in the negative are, messrs *President, Abercrombie, Anderson, Crawford, Edmondson, Garth, Jackson, Merriwether, Morton, Perry Pickett, Powell and Vining.*

Ordered, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr Hogan, from the special committee to which was referred a resolution of the Senate, submitted the following report :

The special committee to whom was referred a resolution to inquire into the loss of the carpet paid for out of the contingent fund for the use of the Senate, have had the same under consideration, and beg leave to report, that at the last session of the General Assembly a resolution was adopted to purchase a carpet for the floor of the Senate, so as to destroy the echo; and in compliance with said resolution the State Architect bought a carpet, and before it could be laid down, the Senate rescinded the resolution; and the carpet was thrown on the hands of the Architect, as no appropriation was made to pay for it. It remained in this situation until the adjournment, when the Architect applied to his Excellency the Governor, who ordered it paid for out of the contingent fund. The Commissioners on the State Capitol were authorized by an act of the General Assembly to furnish furniture for the executive rooms, and they took a part of said carpet and laid it down in the executive room, and now hold themselves bound to replace it from the appropriation of last year. — Your committee therefore beg leave to offer the following resolution: *Resolved*, that the building committee be requested to deliver to the Doorkeeper a carpet of equal value to that taken for the executive room.

Mr Garth moved to strike out the above resolution; which was lost. Yeas 7—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Abercrombie, Garth, Jackson Perry, Pickett, Vining and Watchell* — Those who voted in the negative are, messrs *President, Conner, Crawford, Dupuy, Edmondson, Hemphill, Hogan, Merrimether, Morton, Powell and Smith*.

The report of the committee was then concurred in, and the resolution adopted.

Mr H gan presented a report of the commissioners appointed to superintend the erection of the State Capitol, made in obedience to a resolution of the Senate requesting them to ascertain what lien the State has on the State Architect for neglect of his official duties in giving certificates to the mechanics employed in covering the Capitol, whereby they have drawn pay from the Treasury for the same, although the work has not been done in a faithful and workmanlike manner, together with the opinion of the Attorney General in relation thereto. *Ordered*, that the report and documents lie on the table, and that fifty copies thereof be printed.

Mr President laid before the Senate the following letter from Asa Hodges:

TUSCALOOSA, 29th Dec. 1830.

To the Hon. Samuel B. Moore, President of the Senate :

Sir—Through you I make known to the honorable body over which you preside, that I am now ready to proceed to the investigation of the charges made by me against Charles W. Peters, Esq. judge of the orphan's court of Morgan county. Several witnesses are now in attendance. Respectfully, (Signed) ASA HODGES.

The following communication was received from the Governor by James I. Thornton, Esq.

EXECUTIVE DEPARTMENT, December 29th, 1830.

The Hon. President and Members of the Senate :

Gentlemen: I have received the resignation of the Hon. James C. Irwin, judge of the county court of Wilcox county. I am, most respectfully, your obedient servant,
GABRIEL MOORE.

Mr Jackson offered the following resolution: *Resolved*, that a committee of five persons be appointed to investigate the charges exhibited by Asa Hodges against Charles W. Peters, judge of the county court for Morgan county, with power to take testimony, and send for persons and papers, and report the result of their investigations to the House. Mr Garth moved to amend the resolution by adding the words, *provided such persons be at the seat of government*; which was lost. Yeas 1—Nays 19.

The yeas and nays being desired, Mr Garth voted in the affirmative. — Those who

voted in the negative are, messrs President, Abercrombie, Conner, Crawford, Dupuy, Edmondson, Hemphill, Irwin, Hubbard, Lewis, Jackson, Merriwether, Morton, Perry, Pickett, Powell, Smith, Vining and Walthall.

The resolution was then adopted; whereupon messrs Jackson, Garth, Crawford, Perry and Hogan were appointed the committee.

Mr Powell, from the committee on enrolled bills, reported as correctly enrolled, an act making an appropriation for the payment of the members and officers of the present General Assembly; which was accordingly signed by Mr President.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have concurred in the several amendments made by the Senate to the resolution proposing to go into the election of judge of the county court of Fayette county, to fill the vacancy of Raddy Smith resigned.

Mr Irwin called up the bill to be entitled an act to alter and amend the militia laws of this State and offered an amendment to the same; which was adopted. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr Abercrombie offered the following resolution: *Resolved*, that the committee on Indian affairs be instructed to inquire into the expediency of passing a law to authorize white persons to purchase Indian claims on lands within the chartered limits of this State, and to hold and occupy such claims when purchased until dispossessed by the General Government, with leave to report by bill or otherwise. Mr Hogan moved to strike out *committee on Indian affairs*, and insert *committee on the judiciary*; which was lost. Yeas 2—Nays 18.

The yeas and nays being desired, those who voted in the affirmative are, messrs Hogan and Powell.—Those who voted in the negative are, messrs President, Abercrombie, Anderson, Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Pickett, Vining, Walthall.

The question was then put: Shall the resolution be adopted? and determined in the affirmative. Yeas 14—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Abercrombie, Anderson, Conner, Dupuy, Garth, Hemphill, Hubbard, Irwin, Jackson, Morton, Perry, Pickett and Walthall.—Those who voted in the negative are, messrs Crawford, Edmondson, Hogan, Merriwether, Powell, Smith and Vining.

Mr Conner offered the following resolution: *Resolved*, that the Comptroller be instructed to furnish the Senate with copies of the accounts of the several land commissioners appointed to value the lands donated to this State for the improvement of the Tennessee and other rivers; which was adopted.

A bill to be entitled an act regulating the costs upon suits brought on bills of exchange; and, an act to authorize the judge of the county court and commissioners of revenue and roads of Walker county to lay an extra tax for the completion of the public buildings of said county, were severally read the second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to authorize the guardian of the minor heirs of James Lovin, late of St Clair county, deceased, to sell the real estate which belonged to said decedent, was read the second time and committed to the committee on the judiciary.

A bill from the House of Representatives entitled an act to amend the act regulating judicial proceedings, was read the third time and passed.—*Ordered*, that the Secretary acquaint the House of Representatives therewith.

Engrossed bills of the following title, to wit: an act to authorize the representatives of the estate of James Reynolds, deceased, to sell and dispose of real estate under certain restrictions; an act to enable the State of Alabama to sell and dispose of certain lands therein named; an act to provide for the free admission of students into the University of Alabama from the several counties of this State, in proportion to their population; and an act supplementary to an act entitled an act to incorporate the Tusculum railway company, were severally read the third time and passed. *Ordered*, that the title of the bills be as aforesaid, and that they be sent to the House Representatives for their concurrence.

A bill to be entitled an act relating to the acknowledgement of deeds and relinquishment of dower, and an act to change the time of holding the county court of Pike county, were severally read a second time and ordered to a third reading to-morrow.

Bills from the House of Representatives entitled, an act to establish an academy in the county of Mobile; and, an act to compensate the commissioners of roads and revenue of the counties of Greene, Perry, Lawrence, Marengo and Dallas, for their services, were severally read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Ordered, that the engrossed bill entitled an act to curtail the amount of damages upon bills of exchange purchased by the Bank of the State of Alabama, be committed to a special committee; whereupon, messrs Hubbard, Powell and Vining were appointed.

An engrossed bill to be entitled an act to amend an act entitled an act to appoint commissioners to lay off certain roads therein specified, so far as relates to the State road leading from Tuscaloosa to the town of Claiborne, Pensacola and Blakey, passed 17th Dec. 1821, and for other purposes, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Hubbard, from the special committee to which was referred a bill to be entitled an act to curtail the amount of damages upon bills of exchange purchased by the Bank of the State of Alabama, reported the same as amended, by striking out the word *thirty* and inserting *sixty* where it reads thus: "and the endorsers of such bills shall not be compelled to pay more than five per cent damages, provided they pay the same within *thirty* days after notice of such protest; and by adding at the end the word *issues*." Mr Powell moved to amend the proposed amendment by striking out *sixty* with a view of inserting *forty days*; and the question being taken on striking out, was lost. The question was put on concurring in the amendment proposed by the committee, by striking out *thirty days*, and carried. Yeas 16—Nays 4.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Abercrombie, Anderson, Du boy, Edmondson, Garth, Hemphill, Hubbard, Jackson, Merriwether, Morton, Perry, Pickett, Smith, Vining and Walthall.—Those who voted in the negative are, messrs Conner, Crawford, Hogan and Powell.

Mr Crawford moved to amend the proposed amendment by striking out *sixty days*, with a view of inserting *forty five*; which was lost. The amendments proposed by the committee were then concurred in. The question was put, Shall the bill pass? and decided in the affirmative. Yeas 16—Nays 4.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Abercrombie, Anderson, Du boy, Edmondson, Garth, Hemphill, Hubbard, Jackson, Merriwether, Morton, Perry, Pickett, Smith, Vining and Walthall.—Those who voted in the negative are, messrs Conner, Crawford, Hogan and Powell.

Ordered, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act to alter and amend the laws of usury, was read the third time; and the question being put, Shall the bill pass? it was decided in the negative. Yeas 5—Nays 16.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie, Anderson, Crawford, Jackson, Powell. — Those who voted in the negative are, messrs President Conner, Dupuy, Edmondson, Gorth, Hemphill, Hogan, Hubbard, Irwin, Merriwether, Morton, Perry, Pickett, Smith, Vining and Walhall.

Mr Powell offered the following resolution: *Resolved*, that the Senate will, on to-morrow the 30th inst. at the hour of 10 o'clock, A. M., at the bar of the Senate, receive any response which Charles W. Peters, judge of the county court of Morgan county, may think proper to make by himself or counsel to the charges preferred against him by Asa Hodges for official misconduct, and that the Secretary of the Senate notify the said Charles W. Peters of this resolution; which was adopted.

Mr Hemphill offered the following preamble and resolution: Whereas, a certain publication appeared in the Selma Courier of the 18th inst. purporting to exhibit the remarks of the Honorable James Abercrombie in the Senate of Alabama, on the passage of a joint memorial to the Congress of the United States, praying a donation of land, for the purpose of connecting the waters of the Coosa and the Tennessee rivers, in which the writer of said publication states that Mr Abercrombie, in opposing the passage of the memorial, used the following remarks:

“Mr President, I am opposed to the passage of the bill in any shape that it might come in. The gentleman from Lawrence, or Mr President, did write the amendment for me, and I have had it in my pocket for a week, and if the gentleman from Mobile wanted to know the fact, I could tell him so. But Mr President if we pass this bill, wout it be saying Alabama is in favor of that ruinous law which passed Congress at the last session called the American system; (Mr Hogan interrupted the gentleman, by stating to the chair that he was now for the first time informed that a law had passed Congress called the American system,) well, Mr President, that's no matter, &c. And whereas Mr Abercrombie did address to the Editor of the Selma Courier the following note to wit:

TUSCALOOSA, December 23, 1830.

“*The Editor of the Selma Courier.*—Sir: A writer in your paper of the 18th inst. has pretended to give a sketch of the debate in the Senate of Alabama on the passage of a memorial to Congress, asking a donation of land to connect the waters of the Coosa and Tennessee rivers, in which he has introduced my name, and wholly perverted the expressions used by me. The publication is of that character which requires no other notice from me than to pronounce it untrue, and to learn the malicious source from whence it came. I have therefore to demand of you the author, and request that you publish this note. Respectfully, &c. JAMES ABERCROMBIE.

In reply to which Thomas J. Frow, Editor of said paper, addressed Mr Abercrombie the following letter:

SELMA, December 25, 1830.

“Sir: Your note of the 25th inst. has just been handed me by Col Shearer, demanding the name of the writer of a letter in my paper of the 18th inst, who has pretended to give a sketch of the debate in the Senate of Alabama, on the passage of the memorial, &c. &c. I will observe sir, that I am at full liberty to give up the author; otherwise, I believe I would not have given it publicity; whether his report of your speech is correct or incorrect, is entirely a matter between you and him, and if any difficulty should arise, I shall not willingly be implicated. If there is any responsibility it must solely rest upon Mr George W. Gayle, who communicated the speech, with privilege to me to give his name if properly demanded. Your note shall be published agreeable to your request. Yours &c. THOMAS J. FROW.

JAMES ABERCROMBIE, ESQ

Now, be it resolved by the Senate of Alabama, that the above recited pub-

lication, as published in the Selma Courier of the 18th inst. to our knowledge and distinct recollection, is widely different in substance and language from the remarks used by the honorable James Abercrombie in the debate referred to. Mr Garth moved that the preamble and resolution lie on the table till to-morrow ; which was carried.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Thursday, Dec. 30, 1830.—The Senate met pursuant to adjournment.

Mr Hogan presented the petition of Olivia A. Mather, of Mobile, praying the passage of a law authorizing a change of the name of her son; which was read and referred to a special committee, consisting of messrs Hogan, Smith and Edmondson,

Mr Hogan also presented the petition of the "city troop," a volunteer corps of the city of Mobile praying to be exempted from serving on juries, and working on roads in the city and county of Mobile; which was read and referred the military committee.

Mr Garth asked to be excused from serving on the committee appointed to investigate the charges preferred by Asa Hodges against Charles W. Peters, judge of the county court of Morgan county; which was agreed to; whereupon, Mr Morton was appointed a member of the committee in his place.

Mr Hubbard, from the committee on the judiciary to which was referred the petition of Gilbert C. Russell, reported a bill to be entitled an act better to secure the punctual attendance of witnesses in certain cases; which was read; and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time and ordered to be engrossed for a third reading to-morrow.

Mr Hubbard, from the same committee to which was referred a bill to be entitled an act defining the liabilities of the securities of executors and administrators, reported that it is inexpedient to pass the bill. On motion of Mr Hogan: *Ordered*, that the bill and report lie on the table till to-morrow.

Mr Hubbard, from the same committee to which was referred a bill to be entitled an act to compel the owners or keepers of toll bridges and ferries, to renew their bonds at regular periods, reported the same as amended; which was concurred in. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr Morton, from the committee on roads, bridges and ferries, to which was referred a communication from the Governor, reported a bill to be entitled an act prescribing the mode of payment to persons who mark and lay out roads; which was read and ordered to a second reading to-morrow.

Mr Morton, from the same committee to which was referred the petition of William Jordan, reported a bill to be entitled an act to authorize William Jordan to keep a ferry on Bassett's creek; which was read and ordered to a second reading on to-morrow.

On motion of Mr Hubbard: *Resolved*, that Charles W. Peters, judge of the orphan's court for Morgan county, by himself or counsel, now have leave to appear at the bar of this Senate, and make any answer or response to the charges exhibited against said judge by Asa Hodges; whereupon, Harry I. Thornton and William I. Adair, Esqs., appeared at the bar of the Senate as the counsel of judge Peters; and Mr Thornton read before the Senate the answer of Charles W. Peters, judge of the orphan's court of Morgan county, to the complaints made against his official conduct by Asa Hodges.

Ordered, that the answer of Judge Peters be committed to the special committee appointed to investigate the complaints made against his official conduct by Asa Hodges.

Mr Hubbard offered the following resolution: *Resolved*, that Asa Hodges

have leave to appear, by himself or counsel, before the committee appointed by this Senate, to inquire into the official conduct of Charles W. Peters, judge of the Orphans Court for Morgan county ; which was adopted.

Mr Walhall, from the committee to which was referred the joint memorial to the Congress of the United States in relation to public lands, reported the same without amendment. Mr Hemphill offered an amendment to the memorial ; which was adopted.

The memorial was further amended on mr Smith's motion, and passed.

Ordered, that the Senate acquaint the House of Representatives therewith.

A message from the House of Representatives by mr Tunstall : Mr President—The House of Representatives refuse to adopt the joint memorial asking a donation of lands to connect the waters of the Tennessee with those of the Coosa river by means of a canal.

Mr Hogan, from the special committee to which was referred the petition of Olivia A. Mather, reported a bill to be entitled an act to change the name of a certain person therein named ; which was read and ordered to a second reading to-morrow.

A bill to be entitled an act to establish a public ferry in Madison county, was read a second time and ordered to be engrossed for a third reading to-morrow.

The Senate took up, and resumed the consideration of the preamble and resolution offered on yesterday by mr Hemphill in relation to a publication made in the Selma Courier, purporting to contain a report of mr Abercrombie's speech on the memorial to Congress asking a donation of lands to connect the waters of the Tennessee and Coosa rivers.

Mr President laid before the Senate the following communication from George W. Gayle.

The Hon. the President and Members of the Senate,

Gentlemen : A resolution was introduced in the Senate on yesterday, declaring that to the knowledge and distinct recollection of your honorable body, the publication which appeared in the Selma Courier on the 18th inst. purporting to contain the remarks of the Honorable Senator from Montgomery, on the Coosa Canal Memorial, is widely different in substance and language from what he said on that occasion. The resolution is preceded by a preamble which declares a correspondence between the Senator and the editor of the Courier, by which it is made known that I am the author of the offensive publication. It is due to myself to state, that there was no necessity for Mr Abercrombie to give himself the trouble to send an *express* to Selma to ascertain the author. This information would have been frankly given to him by me, if it had been requested in person, or by addressing me a note.

The object of the resolution cannot be mistaken. It is to cast upon me the imputation of falsehood, and to inflict a stain upon my character which, doubtless, would be agreeable to others, but which, nevertheless, I humbly claim the privilege of resisting.

I am admonished that I have fearful odds to contend with in this contest, which has been so suddenly, and to me unexpectedly produced in your hon. body ; but I am sustained by the confidence I have in that sense of justice and respect for the laws and constitution of the country, that have always had an abiding place in your deliberations.

Assailed as I am by one of your hon. body, and unaided by the influence which his situation places it in his power to exert, it is natural that I should seek protection in the instrument that guards and defines the rights of the citizen, and protects the weak against the strong. A man's reputation is classed among his natural and inestimable rights ; and I respectfully submit to the Senate, whether they have any authority from the Constitution to injure or destroy mine, by the mode now sought

to be adopted? If I have violated any rule they have established for their government; if I have been disrespectful or disorderly in my behaviour in their presence; or if I have obstructed any of their proceedings, they have a right to punish me by imprisonment: but they have no power to adopt a resolution, for its object my disgrace in the estimation of the public. The spectacle which the case presents is a novel one; and, if I am not greatly mistaken, will move a spirit of inquiry among the people, that will result in the determination, that the Senate is not one of the judicial tribunals of the country. It will, perhaps, lead them to investigate the right, in either branch of the General Assembly, to lend its aid to one of its own members, in prostrating a citizen who has dared to "freely speak, write, or publish his sentiments," under the responsibility imposed upon him by the Constitution; and if there is any attachment among them for a representative government, they will decide, in language not to be mistaken, that it is the right of a free man to examine and speak of the public conduct of those to whom is delegated the important trust of legislating. I respectfully submit to the Senate, whether they are not moving out of their legitimate sphere; whether the adoption of this resolution will not be looked upon as a direct invasion and suppression of the right of inquiry into the conduct of public men, in the free exercise of which rests the permanency of our republican institutions.

One would have thought that the Honorable Senator, if I have misreported his speech, would have contented himself with giving to my statement a contradiction in the journal in which it made its appearance. He would hazard nothing in opposing his declaration to that of an individual so humble as I am, if the question were to be settled alone by our respective assertions; and the aid which he asks of the Senate, through his resolution, would seem to argue a suspicion on his part, that he would not be benefitted by resorting to the usual mode of collecting proof.

I have only to make the additional remark, that the sketch I took of Mr. Abercrombie's speech was designed to be a faithful one, both in its language and substance, and I now believe it was truly and correctly reported; at any rate, if the Senate determine to act upon the resolution, I only ask them to hear the proofs I have to offer. Most respectfully,
G. W. GAYLE.

Ordered, That the communication lie on the table.

Mr Anderson moved to strike out all the resolution offered on yesterday by Mr Hemphill after the word "resolved." and to insert the following: "That in the opinion of the Senate, the writer of the aforesaid letter published in the Selma Courier of the 18th inst. is guilty of, and has made a garbled statement of the speech of the Hon. James Abercrombie, and has misrepresented the remarks used by that gentleman, upon the memorial to connect the waters of the Tennessee and Coosa rivers."

Mr Hubbard moved that the preamble and resolution, together with the proposed amendment, be committed to the committee on the judiciary; which was carried.

On motion of Mr Smith, the communication from George W. Gayle was taken up, and committed to the same committee.

Bills from the House of Representatives entitled, an act to change the time of holding the county court of Pike county; and, an act relating to the acknowledgement of deeds and relinquishment of dower, were severally read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Engrossed bills of the following titles, to wit: an act prescribing the duty of officers in ordering military elections; an act for the relief of Winifred Jemison, wife of John Jemison; an act declaratory of an act in relation to seamen belonging to vessels in merchants' service; an act relating to costs upon suits brought on bills of exchange; an act to establish a State road from Tuscaloosa to Montgomery; and, an act to authorize the judge of the county court and commissioners of revenue and roads of Walker county to levy an extra county tax for the completion of the public buildings of said

county, were severally read the third time and passed. *Ordered*, that the titles of the bills be as aforesaid, and that they be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act to change the time of convening the General Assembly, was read the third time and laid on the table.

An engrossed bill to be entitled an act prescribing the duties of certain officers, was read the third time and passed. *Ordered*, that the title of the bill be, an act requiring judges of the county courts to renew their bonds; and that it be sent to the House of Representatives for their concurrence.

Mr Perry introduced a bill to be entitled an act to alter the time of holding the circuit courts in the second judicial circuit; which was read and ordered to a second reading to-morrow.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Friday, Dec. 31, 1830.—The Senate met pursuant to adjournment.

Mr Powell, from the joint committee on enrolled bills, reported as correctly enrolled, joint resolutions of the Senate and House of Representatives of the State of Alabama in General Assembly convened; an act to regulate trials before justices of the peace; joint resolution requiring the Secretary of State, Comptroller of Public Accounts or State Treasurer to administer the oaths of office to the members of the General Assembly; and, an act to amend the act regulating judicial proceedings; all of which were accordingly signed by Mr President.

Mr Walthall, from the committee on county boundaries to which was referred a petition on the subject, reported a bill to be entitled an act to annex a part of Monroe county to the county of Butler; which was read and ordered to a second reading to-morrow.

Mr Pickett, from the committee on propositions and grievances to which was referred the petition and account of Henry Tuttle, reported a bill to be entitled an act to compensate Henry Tuttle for apprehending a felon; which was read and ordered to a second reading to-morrow.

Mr Abercrombie, from the committee on county boundaries to which was referred a bill to be entitled an act to alter and establish the boundary line between the counties of Lowndes and Autauga, reported that it is inexpedient to pass the bill, as by so doing the county of Lowndes would be reduced below its constitutional size; which was concurred in.

Mr Abercrombie, from the same committee to which was referred the petition of sundry citizens of a part of Lowndes county, praying that a certain part of Lowndes may be added to Dallas county, reported that it is inexpedient to grant the prayer of the petitioners, as by so doing the county of Lowndes would be reduced below its constitutional size; which was laid on the table.

Mr President laid before the Senate the following communication from George W. Crabb, Comptroller:

COMPTROLLER'S OFFICE, Tuscaloosa, Dec. 30th, 1830.

Hon. President of the Senate,

Sir—In compliance with a resolution of the honorable Senate, calling on me for an exhibition of the accounts of the several land commissioners appointed to value the lands donated to this State for the improvement of the navigation of the Tennessee and other rivers, I have the honor of submitting an abstract from the original accounts on file in this office, which will afford, as I hope, the desired information.

Very respectfully,

GEORGE W. CRABB, Comptroller.

Ordered, that the communication together with the accompanying abstract be committed to the committee on propositions and grievances.

A bill to be entitled an act to alter the times of holding the circuit courts in the second judicial circuit, was read the second time and committed to a

special committee consisting of messrs Bridges, Abercrombie, Perry, Walthall, Pickett and Crawford.

A bill to be entitled an act to change the name of a certain person therein named, was read the second time and ordered to be engrossed for a third reading to-morrow.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have read three several times and passed a bill which originated in their House, entitled an act to authorize the judge of the county court and the commissioners of revenue and roads of Perry county to levy a special tax for the purpose therein specified; in which they ask the concurrence of the Senate.

The bill mentioned in the foregoing message was read the first time and ordered to a second reading to-morrow.

Mr Pickett, from the committee on propositions and grievances to which was referred the petition of C. B. Roundtree, reported a bill to be entitled an act for the relief of C. B. Roundtree, of Lauderdale county; which was read and ordered to a second reading to-morrow.

A bill to be entitled an act prescribing the mode of payment to persons who mark and lay out State roads, was read the second time and ordered to be engrossed for a third reading to-morrow.

An engrossed bill to be entitled an act to establish a public ferry in Madison county, was read the third time and laid on the table.

A bill to be entitled an act to authorize William Jordan to keep a ferry on Bassett's creek, was read a second time and ordered to be engrossed for a third reading to-morrow.

Engrossed bills of the following titles, to wit: an act better to secure the punctual attendance of witnesses in certain cases; an act to alter and amend the militia laws of this State; and, an act to compel the owners or keepers of toll bridges and ferries to renew their bonds at regular periods, were severally read the third time and passed. *Ordered*, that the titles of the bills be as aforesaid, and that they be sent to the House of Representatives for their concurrence.

A bill to be entitled an act to provide for contesting elections for members of the General Assembly was taken up. Mr Hogan moved that the further consideration of the bill be indefinitely postponed; which was lost. Yeas 7—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Abercrombie, Crawford, Edmondson, Hogan, Merriwether, Powell, and Vining*. Those who voted in the negative are, messrs *President, Anderson, Bridges, Conner, Dupuy, Hemphill, Hubbard, Irwin, Jackson, Morton, Pickett, Smith, and Walthall*.

Mr Crawford moved to strike out the fourth section of the bill; which is as follows: *And be it further enacted*, that should the party against whom the decision of said court for trying such contest is made, be dissatisfied therewith, the said court shall send certified to the next Legislature a transcript of their proceedings, shewing all the votes rejected by them; and with which rejection either party may be dissatisfied; and also the proof upon which such rejection was made; which was lost. Yeas 6, Nays 15.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Crawford, Edmondson, Hogan, Merriwether, Powell and Vining*.—Those who voted in the negative are, messrs *President, Abercrombie, Anderson, Bridges, Conner, Dupuy, Garth, Hemphill, Hubbard, Irwin, Jackson, Morton, Pickett, Smith and Walthall*.

Ordered, that the bill be engrossed and made the order of the day for a third reading to-morrow.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have concurred in the amend-

ments made by the Senate to the bills entitled, an act to compensate the commissioners of roads and revenue of the counties of Greene, Lauderdale, Perry, Lawrence, Marengo and Dallas; and, an act to establish an Academy in the county of Mobile; and have amended the amendment to the latter bill as herewith shewn: in which they request the concurrence of the Senate. They have also read the second time and postponed until the first day of March next, a bill which originated in the Senate, entitled an act making further regulations for selling the University lands.

Ordered, that the Senate concur in the amendment made by the House of Representatives to their amendment to the bill entitled an act to establish an Academy in the county of Mobile. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to authorize Henry Taylor, of Wilcox county, to emancipate a slave therein named, was read the second time and ordered to be engrossed for a third reading to-morrow.

Mr Crawford called up the communication of the Governor, of the 13th instant, on the subject of the appointment of an agent to be resident in New-York, for the purpose of rendering facilities in the transfer of State stock. *Ordered*, that the communication be committed to a special committee: whereupon, messrs Crawford, Merriwether and Bridges were appointed the committee.

Mr Hogan asked to be excused from serving on the committee appointed to investigate the charges exhibited by Asa Hodges against Charles W. Peters, judge of the county court of Morgan county; which was agreed to: whereupon, Mr Anderson was appointed a member of the committee in his place.

Mr Anderson introduced a joint resolution discharging William Nichols from the further service of the State; which was read. Mr Jackson moved that the resolution lie on the table; which was lost. Yeas 6—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Conner, Crawford, Jackson, Smith and Vining—those who voted in the negative are, messrs Anderson, Bridges, Dupuy, Edmondson, Garth, Hemphill, Hogan, Hubbard, Irwin, Merriwether and Powell.

Ordered, that the resolution be made the order of the day for a second reading to-morrow.

Mr Irwin introduced a bill to be entitled an act in part to amend an act entitled an act to revive, consolidate and amend the several acts relative to the militia of this State, passed Dec. 31st, 1822; which was read and ordered to a second reading to-morrow.

And then the Senate adjourned until to-morrow morning 10 o'clock.

Saturday, Jan. 1, 1831.—The Senate met pursuant to adjournment.

Mr Crawford presented the account of John S. Gorman against the State, for plastering done on the State Capitol; which was referred to the committee on the State Capitol.

Mr Powell, from the special committee to which was referred the petition of sundry citizens of Tuscaloosa, reported a bill to be entitled an act pointing out a mode for the disposition and expenditure of certain taxes in the town of Tuscaloosa; which was read and ordered to a second reading on Monday next.

Bills of the following titles, to wit: an act for the relief of C. B. Roundtree, of Lauderdale county; an act in part to amend an act entitled an act to revise, consolidate and amend the several acts relative to the militia of this State, passed December 31st, 1822; and, an act to annex a part of Monroe county to the county of Butler, were severally read the second time and ordered to be engrossed for a third reading on Monday next.

A bill to be entitled an act to authorize the judge of the county court and commissioners of revenue and roads of Perry county to levy a special tax for the purposes therein specified, was read the second time and laid on the table.

Mr Bridges called up the bill to be entitled an act for the relief of the tax collector of Wilcox county; the question was put, Shall the bill pass? and decided in the affirmative.

Ordered, that the title be as aforesaid, and that the bill be sent to the House of Representatives for their concurrence.

Mr Anderson, from the committee on the judiciary to which was referred a resolution of the Senate, reported a bill to be entitled an act to provide for the attendance of witnesses; which was read and ordered to a second reading on Monday next.

Mr Vining called up the engrossed bill to be entitled an act to establish a public ferry in Madison county. The question was put, "Shall the bill pass?" and determined in the affirmative. Yeas 12--Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, messrs Bridges-Conner, Edmondson, Hogan, Irwin, Jackson, Marriwether, Marion, Powell, Smith, Vining and Walthall.—Those who voted in the negative are, messrs President, Abercrombie, Anderson, Dupuy, Garth, Hemphill, Hubbard, and Pickett.

Ordered, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A bill to be entitled an act to compensate Henry Tuttle for apprehending a felon, was read the second time and ordered to be engrossed for a third reading on Monday next.

Joint resolution discharging William Nichols from the further service of the State, was read the second time. Mr Powell moved to strike out all after the word resolved, and insert the following: "That so much of an act creating a board of internal improvement as authorizes said board to appoint an engineer be, and the same is hereby repealed;" a call of the House being requested, the resolution and proposed amendment was laid on the table for one hour.

An engrossed bill to be entitled an act to provide for contesting elections for members of the General Assembly, was read the third time. Mr Irwin offered an amendment to the bill by way of rider; which, together with the bill was laid on the table.

An engrossed bill to be entitled an act prescribing the mode of payment of persons who mark and lay out State roads, was read the third time and recommended to a special committee consisting of messrs Hogan, Morton and Bridges.

Mr Dupuy introduced a bill to be entitled an act in relation to the organization of militia companies in the county of Walker; which was read and ordered to a second reading on Monday next.

An engrossed bill to be entitled an act to change the name of a certain person therein named; and, an act to authorize William Jordan to keep a ferry on Bassett's creek without a license; were severally read the third time and passed. *Ordered*, that the titles of the bills be as aforesaid, and that they be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act to authorize Henry Taylor, of Wilcox county, to emancipate a slave therein named, was read the third time and passed. Yeas 13--Nays 6.

The yeas and nays being desired those who voted in the affirmative are Messrs President, Abercrombie, Anderson, Bridges-Conner, Dupuy, Hogan, Morton, Pickett, Powell, Smith, Vining and Walthall.—Those who voted in the negative are, Messrs Edmondson, Garth, Hemphill, Hubbard, Jackson and Marriwether.

Ordered, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A message from the *House of Representatives* by Mr Van Dyke: Mr President—The *House of Representatives* have concurred in all the several amendments made by the Senate to the memorial to the Congress of the United States in relation to public lands. They have read three several times and passed bills which originated in their *House* of the following titles, to wit: an act more effectually to secure the collection of the public revenue; an act to regulate the payment of petit jurors in the county of Baldwin; an act to authorize the mayor and aldermen of the town of Huntsville, to exempt the Huntsville guards from working on the streets of Huntsville; and, an act to provide for opening a certain road therein named. They have also passed the following joint resolution: *Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, that the Governor be, and he is hereby directed to subscribe for five copies of the debates on the adoption of the Federal Constitution. They have also adopted the following resolution: *Resolved*, that with the concurrence of the Senate, the two Houses will assemble in the Hall of the *Houses of Representatives* on Monday next at the hour of 11 o'clock, A. M. for the purpose of electing a judge of the county court of Wilcox county; and a judge of the county court of Conecuh: in all of which they desire the concurrence of the Senate. They have also read three several times and passed bills which originated in the Senate of the following titles, to wit: an act to extend the powers of the county court of Dallas county in relation to roads; an act for the relief of William Jackson; an act to authorize the judge of the county court, and commissioners of revenue and roads of Walker county to levy an extra tax for the completion of the public buildings of said county; an act supplemental to an act entitled an act to appoint canal commissioners, for the improvement of the navigation of the Tennessee river, and for other purposes; an act to authorize the forty-sixth regiment of Alabama militia to form a company beat with a less number than forty privates in the county of Dale. The two latter bills they have amended as herewith shown: in which the concurrence of the Senate is requested. They have read the second time and indefinitely postponed, the bill which originated in the Senate, entitled an act to repeal and amend in part an act entitled an act to establish La Grange College, approved January 19th, 1830.

Ordered, that the Senate concur in the amendment made by the House of Representatives to the bill entitled an act to authorize the forty-sixth regiment of Alabama militia, to form a company beat with a less number than forty privates in the county of Dale.

Ordered, that they also concur in the several amendments made by the House to the bill entitled an act supplemental to an act entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river, and for other purposes. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Bills from the House of Representatives entitled an act more effectually to secure the collection of public revenue; an act to regulate the payment of petit jurors in the county of Baldwin; an act to authorize the mayor and alderman of the town of Huntsville, to exempt the Huntsville guards from working on the streets of Huntsville; an act to provide for opening a certain road therein named; and, joint resolution to authorize the Governor to subscribe for five copies of the debates on the adoption of the Federal Constitution: were severally read the first time and ordered to a second reading on Monday next.

Ordered, that the resolution from the House of Representatives relating election of judges of the county courts of Wilcox and Conecuh counties, lie on the table.

A message from the Governor, by James I. Thornton: Mr President, I am requested by the Governor to inform your honorable body, that he did on the 31st ult. approve and sign, an act to authorize Thomas A. Heard, of Walker county, to erect a mill and other water works on the Black Warrior river; and, an act to regulate trials before justices of the peace, both of which originated in the Senate.

Mr Hubbard, from the committee on the judiciary to which was referred a bill to be entitled an act to authorize the administrators of William Jemison, deceased, to sell certain personal property, reported that it is inexpedient to pass the bill; which was concurred in.

Mr Hubbard, from the same committee to which was referred a bill to be entitled an act to authorize the guardian of the minor heirs of James Lovin, late of St Clair county, deceased, to sell the real estate which belonged to said decedent, reported the same as amended; which was concurred in. *Ordered*, that the bill be engrossed and made the order of the day for a third reading on Monday next.

Mr Hubbard introduced a bill to be entitled an act to appoint an additional surveyor, for the county of Lawrence; which was read; and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time forthwith, and passed. *Ordered*, that the title be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Hubbard presented the petition of Willie Conner, of Lawrence county, praying the passage of a law requiring the register of the land office at Courtland to advertise all forfeited lands in the newspaper published nearest to his office, and praying the passage of sundry other laws; which was read and referred to the committee on the judiciary.

Mr Bridges offered the following resolution: *Resolved*, that a special committee be appointed to inquire into the constitutionality and expediency of regulating by law the rates of wharfage in the city of Mobile, and that they report by bill or otherwise; which was adopted. Yeas 10—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie, Bridges, Crawford, Edmondson, Hemphill, Jackson, Merriwether, Pickett, Powell and Vining.—Those who voted in the negative are, messrs President, Anderson, Conner, Dupuy, Garth, Hogan and Smith.

Whereupon, a committee was appointed to consist of messrs Bridges, Jackson and Perry.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have read three several times and passed bills which originated in their House, entitled an act to regulate the time of payment for lands sold by the State of Alabama, at the land office in Courtland; and, an act to authorize Samuel Woodruff to erect a mill and other water works on the Cahawba river: in which they desire the concurrence of the Senate. They have adopted the following resolution: *Resolved* that the Senate be informed that this House is now ready to receive them, and proceed to the election of a judge of the county court of Fayette county, and two Trustees of the University of Alabama, in each judicial circuit in this State. Whereupon, the members of the Senate repaired to the Hall of the House of Representatives, and having taken the seats assigned them, Mr President arose and announced the object of the meeting; when the two Houses proceeded to the election of a judge of the county court of Fayette county. P. W. Wilson alone being in nomination. For Mr Wilson 89 votes.

Those who voted for Mr Wilson are, Mr President, Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hogan, Hubbard, Irwin, J. C.

son, Merriwether, Morton, Perry, Pickett, Powell Smith, Vining, Walthall.—Reps. mr Speaker, Acklen, Baker, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Clough, Coker, Collins, Cook, Coopwood, Cunningham, Dillahunty, Dillett, Durand, Everett, Faulk, Gayle, George, Gilbreath, Harris, Herbert, Hickman, Hodges, Hogan, Hays, Horton, Jackson, Kilpatrick, King of J. King of M. King of P. Lane, Langford, Lawler, Lea, Mardis, Massey, McCollum, McVay, Metcalfe, Moore of M, Moore of W. Murphree, Musgrove, Oliver, Philpot, Price, Rather, Riddle, Richardson, Roberts, Ross, Rugeley, Sanders, Shortridge, Stevens, Taylor, Townsend, Walker, Ward, Williams and Young.

P. W. Wilson having received all the votes present, was declared by mr Speaker to be duly elected judge of the county court of Fayette county. The two Houses then proceeded to elect two Trustees of the University of Alabama from the first judicial circuit; Robert G. Gordon, Ptolemy T. Harris and John B. Hogan being in nomination. The vote stood thus: for mr Gordon 40; mr Harris 80; mr Hogan 54.

Those who voted for mr Gordon are, messrs Abercrombie, Anderson, Bridges, Hemphill, Jackson, Merriwether, Morton, Perry, Pickett and Vining.—Reps. mr Speaker, Acklen, Baker, Brodnax, Cook, Dillett, Durand, Everett, Herbert, Jackson, King of J. King of P. Lane, Mardis, McCollum, Metcalfe, Moore of W. Murphree, Musgrove, Oliver, Philpot, Riddle, Richardson, Roberts, Ross, Rugeley, Stevens, Taylor, Townsend and Young.

Those who voted for mr Harris are, messrs President, Abercrombie, Anderson, Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hubbard, Irwin, Jackson, Morton, Perry, Powell, Smith, Walthall.—Reps. mr Speaker, Acklen, Baker, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Clough, Coker, Collins, Cook, Coopwood, Cunningham, Dillahunty, Dillett, Durand, Everett, Faulk, Gayle, George, Gilbreath, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of J. King of M. Lane, Langford, Lawler, Lea, Mardis, Massey, McCollum, McVay, Metcalfe, Moore of M. Murphree, Musgrove, Oliver, Philpot, Price, Rather, Richardson, Roberts, Ross, Rugeley, Sanders, Shortridge, Stevens, Taylor, Townsend, Walker, Ward, Williams and Young.

Those who voted for mr Hogan are, messrs President Bridges Conner Crawford Dupuy Edmondson Garth Hubbard Irwin Merriwether Pickett Powell Smith Vining Walthall.—Reps. Barclay Boyd Brown Chiles Clark Clough Colter Collins Coopwood Cunningham Dillahunty Faulk Gayle George Gilbreath Hickman Hodges Hogan Hogg Horton Hudson Kilpatrick King of M. King of P. Langford Lawler Lea Massey McVay Moore of M. Moore of W. Price Rather Riddle Sanders Shortridge Walker Ward and Williams.

Ptolemy T. Harris and John B. Hogan having received a majority of votes, were declared by mr Speaker to be duly elected Trustees of the University of the State of Alabama from the first judicial circuit for the ensuing three years. The two Houses then proceeded to elect two Trustees of the University from the second judicial circuit; Thomas Crawford, George Philips and Richard B. Walthall, being in nomination. The votes stood thus: for mr Crawford 54; mr Walthall 61; mr Philips 57.

Those who voted for mr Crawford are messrs Bridges Dupuy Garth Hogan Hubbard Merriwether Morton Pickett Powell Smith Vining.—Reps. Baker Barclay Boyd Chiles Clark Clough Collins Coopwood, Dillahunty Durand Gayle Gilbreath Hickman Hodges Hogan Hogg Horton Hudson Kilpatrick King of J. King of M. King of P. Langford Lawler Mardis Massey McCollum McVay Metcalfe Moore of W. Murphree Musgrove Philpot Price Riddle Richardson Shortridge Stevens Townsend Walker Williams and Young.

Those who voted for mr Walthall are messrs President Abercrombie Anderson Bridges Conner Dupuy Edmondson Garth Hemphill Hogan Irwin Jackson Merriwether Perry Powell Smith Vining.—Reps. mr Speaker Acklen Brodnax Brown Clark Coker Collins Cook Coopwood Cunningham Dillahunty Dillett Everett Faulk Gayle Gilbreath Harris Herbert Hickman Hodges Horton Jackson Kilpatrick King of M. Lane Langford Lea Massey McVay Metcalfe Moore of M. Musgrove Oliver Philpot Rather Roberts Ross Rugeley Sanders Stevens Taylor Walker Ward and Williams.

Those who voted for mr Phillips are messrs Abercrombie Anderson Conner Edmondson Hemphill Hubbard Irwin Jackson Morton Perry Pickett.—Reps. messrs Speaker Acklen Baker Barclay Boyd Brodnax Brown Chiles Clough Coker Cook Cunningham Dillett Durand Everett Faulk Harris Herbert Hogan Hogg Hudson Jackson King of J. King of P. Lane Lawler Lea Mardis McCollum Moore of M. Moore of W. Murphree Oliver Price Rather Riddle Richardson Roberts Ross Rugeley Sanders Shortridge Taylor Townsend Ward and Young.

Richard B. Walthall and Dr George Phillips having received a ma-

majority of votes, were declared by Mr Speaker to be duly elected Trustees of the University of Alabama from the second judicial circuit for the ensuing three years. The two Houses then proceeded to the election of two Trustees of the University from the third judicial circuit; Samuel W. Mardis, George Starr and Dr Willis Pope being in nomination. The votes stood thus: for Mr Mardis 67; Mr Starr 65; Mr Pope 39.

Those who voted for Mr Mardis are Mr President Abercrombie Anderson Bridges Conner Crawford Dupuy Edmondson Garth Hubbard Irwin Jackson Morton Perry Pickett.—Reps. Speaker Acklen Baker Barclay Boyd Brodnax Brown Chiles Clark Coker Cook Coopwood Dillett Durand Everett Faulk Gilbreath Harris Herbert Hickman Hodges Hogan Hogg Jackson Kilpatrick King of J. King of M. King of P. Lane Langford Lawler Massey McCollum McVay Metcalfe Moore of M. Moore W. Murphree Oliver Philpot Price Rather Richardson Roberts Rugely Sanders Taylor Townsend Walker Ward Williams and Young.

Those who voted for Mr Starr are messrs President Abercrombie Anderson Conner Crawford Dupuy Edmondson Garth Hemphill Hogan Irwin Jackson Merriwether Morton Powell Smith Vining Walthall.—Reps. messrs Speaker Acklen Baker Barclay Brodnax Brown Clark Clough Collins Cook Cunningham Dillahunty Dillett Durand Gayle Harris Hickman Hodges Hogan Hogg Horton Hudson Jackson King of M. Lawler Massey McCollum McVay Moore of M. Murphree Musgrove Rather Riddle Richardson Roberts Ross Rugeley Sanders Shortridge Stevens Taylor Townsend Walker Ward Williams and Young.

Those who voted for Mr Pope are messrs Bridges Hemphill Hogan Hubbard Merriwether Perry Pickett Powell Smith and Walthall.—Reps. messrs Boyd Chiles Clough Coker Collins Coopwood Cunningham Dillahunty Everett Faulk Gayle Gilbreath Horton Hudson Kilpatrick King of J. King of P. Lane Langford Lea Moore of W. Musgrove Oliver Philpot Price Riddle Ross Shortridge and Stevens.

Samuel W. Mardis and George Starr having received a majority of votes, were declared by Mr Speaker to be duly elected Trustees of the University of Alabama, from the third judicial circuit, for the ensuing three years.

The two Houses then proceeded to the election of two Trustees of the University from the fourth judicial circuit; David Hubbard and Wm. Richardson being in nomination. For Mr Hubbard 80; Mr Richardson 83 votes.

Those who voted for Messrs Hubbard and Richardson are, Mr President Abercrombie Anderson Bridges Conner Crawford Dupuy Edmondson Garth Hemphill Hogan Irwin Merriwether Morton Perry Pickett Powell Smith Vining Walthall.—Reps. Mr Speaker Acklen Baker Barclay Boyd Brodnax Chiles Clark Clough Coker Collins Cook Coopwood Cunningham Dillahunty Dillett Durand Everett Faulk Gayle Gilbreath Harris Herbert Hickman Hodges Hogan Hogg Horton Hudson Jackson Kilpatrick King of J. King of P. Lane Langford Lawler Lea Mardis Massey McCollum Metcalfe Moore of M. Moore of W. Murphree Musgrove Oliver Philpot Rather Riddle Roberts Ross Rugely Sanders Shortridge Taylor Townsend Walker Ward Williams and Young.

In addition to the above, Messrs Brown McVay and King of M. voted for Mr Richardson.

David Hubbard and William Richardson having received a majority of the whole number of votes, were declared by Mr Speaker to be duly elected Trustees of the University of Alabama, from the fourth judicial circuit, for the ensuing three years.

The two Houses then proceeded to elect two Trustees of the University of Alabama, from the fifth judicial circuit; Jesse W. Garth and William Acklen being in nomination.

Those who voted for Messrs Acklen and Garth are, Mr President Abercrombie Anderson Bridges Conner Crawford Dupuy Edmondson Hemphill Hogan Hubbard Irwin Merriwether Morton Perry Pickett Powell Smith Vining Walthall.—Reps. Mr Speaker Barclay Brodnax Boyd Brown Chiles Clark Clough Coker Collins Cook Coopwood Cunningham Dillahunty Dillett Durand Everett Faulk Gayle Harris Herbert Hickman Hodges Hogan Hogg Horton Hudson Jackson Kilpatrick King of J. King of M. King of P. Lane Langford Lawler Lea Mardis Massey McCollum McVay Metcalfe Moore of M. Moore of W. Murphree Musgrove Oliver Philpot Rather Riddle Richardson Ross Rugely Sanders Shortridge Stevens Taylor Townsend Walker Ward Williams and Young.

Jesse W. Garth and William Acklen having received all the votes present, were declared by Mr Speaker to be duly elected Trustees of the Uni-

versity of Alabama, from the fifth judicial circuit, for the ensuing three years.

The two Houses then proceeded to elect two Trustees of the University from the sixth judicial circuit; William Hemphill, John Gindrat and Henry Goldthwaite being in nomination. For mr Hemphill 76; mr Gindrat 59; mr Goldthwaite 33.

Those who voted for Mr Hemphill are, Mr President Abercrombie Anderson Conner Crawford Dupuy Edmondson Garth Hogan Hubbard Irwin Jackson Merriwether Morton Perry Powell Smith Walthall.—Reps. Mr Speaker Acklen Baker Barclay Brown Collins Clough Coker Chiles Cook Coopwood Cunningham Dillahunty Durand Everett Faulk Gayle George Gilbreath Harris Herbert Hickman Hodges Hogan Hogg Horton Hudson Jackson King of J. King of M. King of P. Lane Langford Mardis Massey McColum M'Vay Metcalfe Moore of M. Moore of W. Murpree Musgrove Oliver Philpott Price Rather Riddle Richardson Roberts Ross Rugeley Sanders Stevens Taylor Townsend Walker Ward and Young.

Those who voted for mr Gindrat are, messrs Abercrombie Anderson Bridges Conner Dupuy Edmondson Garth Hubbard Irwin Jackson Morton Perry Pickett Powell Walthall.—Reps. mr Speaker Baker Barclay Boyd Brodnax Coker Collins Cook Durand Everett George Harris Herbert Hickman Horton Hudson Jackson King of J. King of P. Lane Langford Lawler Lea Mardis Massey McColum Moore of W. Musgrove Oliver, Philpott Price Rather Richardson Roberts Ross Rugeley Sanders Stevens Taylor Townsend Walker Ward Williams and Young.

Those who voted for mr Goldthwaite are, mr president bridges crawford hogan merriwether pickett smith.—Reps. messrs Acklen Boyd Brodnax Brown Chiles Clark Clough Coopwood Cunningham Dillahunty Faulk Gayle Gilbreath Hodges Hogan Hogg King of M. Lawler Lea M'Vay Metcalfe Moore of M. Musgrove Riddle Shortridge and Williams.

William Hemphill and John Gindrat having received a majority of votes, were declared by mr Speaker to be duly elected Trustees of the University of Alabama, from the sixth judicial circuit for the ensuing three years.

The two Houses then proceeded to elect two Trustees of the University, from the seventh judicial circuit; Quin Morton, John C. Kilpatrick and Robert Jemison being in nomination. For mr Morton 63; mr Kilpatrick 63; mr Jemison 37; mr Godley 1; mr Harrington 1.

Those who voted for mr Morton are, mr President Abercrombie Anderson Bridges Conner Crawford Dupuy Edmondson Garth Hemphill Hubbard Irwin Jackson Merriwether Perry Pickett Powell Smith Walthall.—Reps. messrs Baker Boyd Brodnax Chiles Clark Clough Coker Coopwood Dillahunty Durand Everett George Harris Hickman Hodges Hogan Horton Hudson Jackson King of J. King of P. Lane Langford Lawler Lea Mardis Metcalfe Moore of M. Moore of W. Murpree Oliver Philpott Price Rather Roberts Ross Rugeley Sanders Taylor Townsend Walker Ward Williams and Young.

Those who voted for mr Kilpatrick are, mr president Abercrombie bridges crawford dupuy edmondson garth hogan hubbard irwin perry pickett smith vining walthall.—Reps. baker barclay boyd brodnax brown chiles clark clough coker collins coopwood cunningham dillahunty durand faulk gayle george gilbreath harris hickman hodge hogan hogg horton jemison jackson king of J. king of M. king of P. Lawler Lea Massey McColum M'Vay Moore of M. Moore of W. Murpree Musgrove Rather Riddle Rugeley Sanders Shortridge Stevens Townsend Walker Ward and Williams.

Those who voted for mr Jemison are, messrs Anderson Conner Hemphill Jackson Merriwether Powell Vining.—Reps. mr speaker Barclay Brown Collins Cunningham Everett Faulk Gayle Gilbreath Herbert King of M. Lane Langford Mardis Massey McColum M'Vay Metcalfe Musgrove Oliver Philpott Price Riddle Roberts Ross Shortridge Stevens Taylor and Young.

Mr Speaker voted for mr Godley. Mr Herbert voted for Mr Harrington.

Quin Morton and John C. Kilpatrick having received a majority of votes, were declared by mr Speaker to be duly elected Trustees of the University of Alabama, from the seventh judicial circuit, for the ensuing three years.

The elections being completed, the Senate withdrew, then returned to their own chamber, and mr President resumed the chair.

And the Senate adjourned until Monday morning at 10 o'clock.

Monday, Jan. 3, 1831.—The Senate met pursuant to adjournment.

Mr Morton presented the account of John Robb against the State for work done on the State Capitol; which was referred to the committee on the State Capitol.

Mr Irwin, from the military committee, to which was referred the petition of the city troop, a volunteer corps in the city of Mobile, praying to be exempted from serving on juries and working on roads in the city and county of Mobile, reported that it is inexpedient to grant the prayer of the petitioners. *Ordered*, that the report lie on the table till to-morrow.

Mr Crawford, from the special committee to which was referred the bill to be entitled an act to abolish certain election precincts in the county of Pickens, and establish others in lieu thereof, reported the same with sundry amendments; all of which were concurred in. The bill was further amended on the motion of Mr Bridges, Mr Anderson and Mr Abercrombie, and laid on the table.

Mr Hogan introduced a bill to be entitled an act to alter and amend an act entitled an act to incorporate the stockholders and subscribers to the newly invented marine railway in the city of Mobile, under the patent granted by the authority of the United States to Daniel Rogers, the original inventor; which was read and ordered to a second reading to-morrow.

Mr Smith introduced joint resolutions expressive of the opinion of the General Assembly of the State of Alabama, in reference to certain subjects therein mentioned; which was read and ordered to a second reading to-morrow.

A bill from the House of Representatives entitled an act to authorize Samuel Woodruff to erect a mill and other water works on Cahawba river, was read the first time and ordered to a second reading to-morrow.

A bill from the House of Representatives entitled an act to regulate the time of payment for lands sold by the State of Alabama at the land office in Courtland, was read the first time; and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third times forthwith and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act pointing out a mode for the disposition and expenditure of certain taxes in the town of Tuscaloosa, was read the second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to regulate the payment of petit jurors in the county of Baldwin, was read the second time and committed to a special committee consisting of messrs Hogan, Hemphill and Smith.

A bill to be entitled an act in relation to the organization of militia companies in the county of Walker, was read the second time and committed to the military committee.

The Senate resumed the consideration of the joint resolution to dismiss William Nichols from the further service of the State. Mr Jackson offered the following amendment to the amendment proposed by Mr Powell to the resolution on Saturday last: "*Be it further resolved*, that the foregoing resolution shall not take effect until the first day of December, 1831." Mr Smith moved that the resolution, together with the proposed amendments, lie on the table till the first day of December next; which was lost. Yeas 11—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Conner, Crawford, Garth, Hogan, Jackson, Merriwether, Morton, Perry, Smith and Vining.—Those who voted in the negative are, messrs Abercrombie, Anderson, Bridges, Dupuy, Edmondson, Hemphill, Hubbard, Irwin, Pickett, Powell and Walthall.

The question was then put on the adoption of the amendment offered by Mr Jackson, and carried. The question was put on Mr Powell's motion made on Saturday last, to strike out all after the word resolved, and carried. Yeas 19—Nays 3.

The yeas and nays being desired, those who voted in the affirmative are, messrs

Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hogan, Hubbard, Jackson, Merriwether, Morton, Perry, Pickett, Powell, Smith, Vining and Walthall.—These who voted in the negative are, messrs *President, Hemphill and Irwin.*

The question then recurred on mr Powell's motion to insert the amendment offered by him on Saturday last, and was carried. Yeas 14—Nays 7

The yeas and nays being desired, those who voted in the affirmative are, messrs *Abercrombie, Anderson, Bridges, Conner, Dupuy, Edmondson, Garth, Hemphill, Hubbard, Irwin, Pickett, Powell, Smith and Walthall* — Those who voted in the negative are, messrs *President, Crawford, Hogan, Merriwether, Morton, Perry, and Vining.*

Ordered, that the bill be engrossed and made the order of the day for a third reading on to-morrow.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have read three several times and passed bills which originated in their House, entitled an act concerning the county court of Mobile county, and for other purposes; an act permanently to the fix seat of justice of Monroe county; an act to divide the 20th regiment of the militia of this State, and for other purposes; an act for the relief of the Florence Artillery; and, an act to incorporate the Montgomery fire engine company. In all of which they request the concurrence of the Senate. They have also read three several times and passed bills which originated in the Senate, entitled an act for the relief of the tax collector of Walker county, for the year 1830; and, and an act to incorporate Cahawba Academy, in the county of Dallas; and have amended the same in the manner herewith shewn: in which they request the concurrence of the Senate.

A bill to be entitled an act permanently to fix the seat of justice in the the county of Monroe was read; and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time and committed to a special committee consisting of messrs Smith, Hogan and Merriwether.

Mr Garth introduced a bill to be entitled an act to repeal in part, an act therein named; which was read and ordered to a second reading to-morrow.

A bill to be entitled an act concerning the county court of Mobile county, and for other purposes, was read; and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time and committed to a special committee consisting of messrs Hogan, Smith and Vining.

A bill to be entitled an act to divide the 20th regiment of the militia of this State, and for other purposes, was read; and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time and committed to the military committee.

A bill to be entitled an act for the relief of the Florence Artillery, and an act to incorporate the Montgomery fire engine company, were severally read the second time and ordered to a third reading to-morrow.

Ordered, that the Senate concur in the several amendments made by the House of Representatives to the bills entitled, an act for the relief of the tax collector of Walker county for the year 1830; and an act to incorporate Cahawba Academy in the county of Dallas. *Ordered,* that the Secretary acquaint the House of Representatives therewith.

Mr Bridges called up the bill to be entitled an act amendatory of the laws concerning divorce. *Ordered,* that the bill be engrossed and made the order of the day for a third reading to-morrow.

A bill to be entitled an act to provide for the attendance of witnesses,

was read the second time and ordered to be engrossed for a third reading to-morrow.

An engrossed bill to be entitled an act for the relief of C. B. Rountree of Lauderdale county, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act in part to amend an act entitled an act to revise, consolidate and amend the several acts relative to the militia of this State, was read the third time and committed to a special committee, consisting of messrs Hogan, Irwin and Conner.

Engrossed bills of the following titles, to wit: an act to annex a part of Monroe county to the county of Butler; an act to authorize the guardian of the minor heirs of James Lovin, late of St Clair county, deceased, to sell the real estate which belonged to said decedent; and, an act to compensate Henry Tuttle for apprehending a horse thief; were severally read the third time and passed. *Ordered*, that the titles of the bills be as aforesaid, and that they be sent to the House of Representatives for their concurrence.

A bill to be entitled an act more effectually to secure the collection of the public revenue, was read the second time. Mr Pickett moved that the bill lie on the table till the first day of March next; which was carried.

A bill to be entitled an act to authorize the mayor and aldermen of the town of Huntsville to exempt the Huntsville Guards from working on the streets of Huntsville; and, an act to provide for opening a certain road therein named; were severally read the second time and ordered to a third reading to-morrow.

Joint resolution to authorize the Governor to subscribe for five copies of the debates on the adoption of the Federal Constitution, was read the second time, amended on Mr Powell's motion, and ordered to a third reading to-morrow.

Mr Irwin called up the bill to be entitled an act to provide for contesting elections for members of the General Assembly. A call of the House being requested, the bill was laid on the table for one hour.

Mr Pickett introduced a bill to be entitled an act to improve the navigation of the Coosa river; which was read. Mr Pickett moved that the rule requiring bills to be read on three several days be dispensed with, that and the bill be read the second time forthwith; which was lost. Yeas 15—Nays 5; four fifths being necessary.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Anderson, Bridges, Crawford, Dupuy, Garth, Hemphill, Hogan, Hubbard, Irwin, Morton, Perry, Pickett, Smith and Walshall.—Those who voted in the negative are, messrs Edmondson, Jackson, Merriwether, Powell and Vining.

The question was then put, Shall the bill be made the order of the day for a second reading to-morrow? and carried. Yeas 11—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, messrs Bridges, Crawford, Dupuy, Garth, Hemphill, Hogan, Irwin, Morton, Perry, Pickett and Smith.—Those who voted in the negative are, messrs President, Anderson, Edmondson, Hubbard, Jackson, Merriwether, Powell, Vining, Walshall.

Mr President laid before the Senate a communication addressed to him, containing testimony taken pursuant to an order of the Senate, in relation to the charges preferred by Asa Hodges against Charles W. Peters, judge of the county court of Morgan; which was referred to the committee appointed to investigate said charges.

Mr Hubbard called up the bill to be entitled an act to authorize Richard Darby to emancipate a certain slave therein named. Mr Jackson moved

that the bill be read the third time forthwith; which was carried. Yeas 15—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Anderson, Bridges, Dupuy, Hemphill, Hogan, Irwin, Jackson, Merriwether, Morton, Perry, Pickett, Powell Vining and Walthall*.—Those who voted in the negative are, messrs *Crawford, Edmondson, Garth, Hubbard and Smith*.

The bill was then read the third time and passed. Yeas 13—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Anderson, Bridges, Dupuy, Hemphill, Hogan, Morton, Perry, Pickett, Powell, Smith, Vining and Walthall*.—Those who voted in the negative are messrs *Crawford, Edmondson, Garth, Hubbard, Irwin, Jackson and Merriwether*. So the bill was passed.

Ordered, that the House of Representatives be informed thereof.

On motion of mr Merriwether: *Ordered*, that mr Powell be added to the committee on accounts and claims.

And then the Senate adjourned till to morrow morning at 10 o'clock.

Tuesday, Jan. 4, 1831.—The Senate met pursuant to adjournment.

Mr Crawford, from the committee on the judiciary to which was referred a bill to be entitled an act to limit the return of executions issued from the orphan's court, reported the same as amended; which was concurred in. *Ordered*, that the bill be made the order of the day for a third reading on to-morrow.

Mr Walthall, from the committee on inland navigation, to which was referred a bill to be entitled an act to appropriate a part of the three per cent fund for the purchase of male slaves, reported that it is inexpedient to pass the bill. *Ordered*, that the bill and report lie on the table.

Mr Anderson introduced a bill to be entitled an act to authorize a special tax for the payment of certain claims against the county of Pickens; which was read; and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time and passed. *Ordered*, that the title be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act to provide for contesting elections for members to the General Assembly, was taken up; the amendment proposed by mr Irwin to the bill was adopted. The question was then put, Shall the bill pass? and decided in the affirmative. Yeas 12—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Anderson, Bridges, Conner, Dupuy, Garth, Hemphill, Irwin, Jackson, Morton, Perry and Walthall*.—Those who voted in the negative are, messrs *Abercrombie, Crawford, Edmondson, Merriwether, Powell and Vining*.

Ordered, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A bill to be entitled an act to improve the navigation of the Coosa river, was read the second time, and committed to a special committee, consisting of messrs Crawford, Pickett and Irwin.

Mr Hubbard, from the committee on the judiciary to which was referred a bill to be entitled an act authorizing and legalizing the registration of deeds not heretofore recorded in the legal time, reported the same without amendment. The bill was then read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Hubbard from the same committee to which was referred a bill to be entitled an act to organize a separate supreme court, reported the same without amendment. *Ordered*, that the bill lie on the table for the present.

Mr Hubbard, from the same committee to which was referred the preamble and resolution in relation to a publication made in the Selma Con-

rier purporting to contain a report of Mr Abercrombie's speech on the Coosa memorial, reported that the committee are of opinion that the facts presented by the preamble preceding the resolution do not present such a case as will authorize the Senate to take cognizance thereof. *Ordered*, that the report lie on the table.

Joint resolution to authorize the Governor to subscribe for five copies of the debates on the adoption of the Federal Constitution, was read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to provide for opening a certain road therein named, was read the third time, amended by way of rider, and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Pickett introduced a preamble and joint resolution in relation to the Tariff; which was read. The question was put, Does the Constitution require the resolution to be read on three several days? and decided in the affirmative. Yeas 11—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Abercrombie, Anderson, Bridges, Conner, Crawford, Jackson, Merriwether, Morton, Powell, Smith, Vining and Walthall*—Those who voted in the negative are, messrs *President Dupuy, Edmondson, Garth, Hemphill, Hubbard, Perry, Pickett*.

The rule requiring joint resolutions to be read on three several days being dispensed with, the resolution was read the second time, and referred to a special committee, consisting of messrs *Hubbard, Perry and Smith*.

Joint resolutions expressive of the opinion of the General Assembly of the State of Alabama in reference to subjects therein mentioned, were read the second time and committed to the special committee appointed on the resolution introduced by Mr Pickett.

A bill to be entitled an act to authorize the mayor and alderman of the town of Huntsville to exempt the Huntsville guards from working on the streets of Huntsville, was read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to incorporate the Montgomery fire engine company; and, an act for the relief of the Florence artillery, were severally read the second time and ordered to a third reading to-morrow.

Mr Hubbard called up the report of the committee on the judiciary to which referred the preamble and resolution in relation to a publication made in the Selma Courier, purporting to contain a report of Mr Abercrombie's speech on the Coosa memorial. The question was put on concurring in the report of the committee, and determined in the affirmative. Yeas 13—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Bridges, Conner, Crawford, Dupuy, Edmondson, Hogan, Merriwether, Perry, Pickett, Powell, Smith and Vining*.—Those who voted in the negative are, messrs *Anderson, Garth, Hemphill, Hubbard, Jackson, Walthall and Morton*.

A bill to be entitled an act to repeal in part an act therein named, was read the second time, and referred to a special committee, consisting of messrs *Hogan, Jackson and Walthall*.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have read three several times and passed bills which originated in their House, entitled an act to authorize James Vest, of Morgan county, to erect a dam across Flint river in said county; and, an act to amend an act entitled an act to establish a road from M. Murray's old saw mill on the Shades creek in Jefferson county, to Charles Mundine's, in Shelby county; in which they desire the concurrence

of the Senate. They have also passed bills which originated in the Senate, entitled an act to change the name of a certain person therein named; and an act more effectually to secure trials in capital cases by impartial jurors.

The bills mentioned in the foregoing message which originated in the House, were read the first time in the Senate and ordered to be read a second time to-morrow.

A bill to be entitled an act to authorize Samuel Woodruff, to erect a mill and other water works on the Cahawba river, was read the second time and ordered to a third reading to morrow.

A bill to be entitled an act to alter and amend an act entitled an act to incorporate the stockholders and subscribers to the newly invented marine railway in the city of Mobile, under the patent granted by the authority of the United States to Daniel Rogers, the original inventor, was read the second time and ordered to be engrossed for a third reading to morrow.

An engrossed bill to be entitled an act amendatory of the laws concerning divorce, was read the third time. Mr Crawford moved that the bill lie on the table till the first day of March next; which was lost. Yeas 11—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Abercrombie, Crawford, Dupuy, Edmondson, Garth, Hubbard, Jackson, Merriwether, Morton, Smith and Walthall*.—Those who voted in the negative are, messrs *President, Anderson, Bridges, Conner, Hemphill, Hogan, Irwin, Perry, Pickett, Powell and Vining*.

The question was then put, Shall the bill pass? and decided in the negative. Yeas 11—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Anderson, Bridges, Conner, Hemphill, Hogan, Irwin, Perry, Pickett, Powell and Vining*.—Those who voted in the negative are, messrs *Abercrombie, Crawford, Dupuy, Edmondson, Garth, Hubbard, Jackson, Merriwether, Morton, Smith and Walthall*.

The Senate took up, and resumed the consideration of the bill to be entitled an act to organize a separate supreme court. Mr Perry moved that the bill lie on the table till Thursday next; which was lost. Yeas 11—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Anderson, Bridges, Conner, Edmondson, Hogan, Morton, Perry, Powell, Smith and Vining*.—Those who voted in the negative are, messrs *Abercrombie, Crawford, Dupuy, Garth, Hemphill, Hubbard, Irwin, Jackson, Merriwether, Pickett and Walthall*.

Mr Jackson moved to strike out the words *seventeen hundred and fifty dollars*, the salary proposed to be given to the judges of the supreme court, with a view of inserting *two thousand dollars*. The question was taken on striking out, and lost. Yeas 2—Nays 20.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Hemphill and Jackson*.—Those who voted in the negative are, messrs *President, Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hogan, Hubbard, Irwin, Merriwether, Morton, Perry, Pickett, Powell, Smith, Vining and Walthall*.

Mr Smith moved that the Senate adjourn till to-morrow morning at 10 o'clock; which was lost. Yeas 7—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Anderson, Conner, Hogan, Perry, Powell, Smith and Vining*.—Those who voted in the negative are, messrs *President, Abercrombie, Bridges, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hubbard, Irwin, Jackson, Merriwether, Morton, Pickett and Walthall*.

Mr Jackson moved that the further consideration of the bill to organize a separate supreme court be indefinitely postponed; which was lost. Yeas 10—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Abercrombie, Crawford, Dupuy, Garth, Hemphill, Hubbard, Irwin, Jackson, Pickett and Walthall*.—Those who voted in the negative are, messrs *President, Anderson, Bridges, Conner, Edmondson, Hogan, Merriwether, Morton, Perry, Perry, Smith and Vining*.

Mr Powell moved that the bill be made the order of the day for a third reading to-morrow ; which was carried. Yeas 12—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Anderson, Bridges, Conner, Edmondson, Hogan, Merriwether, Morton, Perry, Powell, Smith, and Vining*.—Those who voted in the negative are, messrs *Abercrombie, Crawford Dupuy, Garth, Hemphill, Hubbard, Irwin, Jackson, Pickett and Walthall*.

The Senate accordingly adjourned till to-morrow morning at 10 o'clock.

Wednesday, Jan. 5, 1831.—The Senate met pursuant to adjournment.

Mr Merriwether, from the committee on accounts and claims to which was referred a bill to be entitled an act authorizing the Comptroller of Public Accounts to draw a warrant as therein expressed, reported the same without amendment *Ordered*, that the bill be recommitted to a special committee ; whereupon, messrs Jackson, Hemphill and Anderson were appointed.

Mr Merriwether, from the same committee to which was referred the account of Caleb Tate, asked to be discharged from the further consideration thereof ; which was agreed to. *Ordered*, that the account be committed to the committee on propositions and grievances.

Mr Powell presented the petition of William M. Marr, of Tuscaloosa, praying that certain rent paid by him for University lands before the State acquired a title thereto, may be refunded to him ; which was read and referred to the committee on propositions and grievances.

A bill to be entitled an act to limit the return of executions issued from the orphan's court, was read the third time and amended by way of ryder on mr Crawford's motion. The question was put, Shall the bill pass ? and decided in the negative. Yeas 10—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Bridges, Conner, Crawford, Dupuy, Garth, Hogan, Hubbard, Pickett and Smith*.—Those who voted in the negative are, messrs *Anderson, Edmondson, Hemphill, Irwin, Jackson, Merriwether, Morton, Perry, Powell, Vining and Walthall*.

Mr Irwin from the military committee to which was referred a bill to be entitled an act in relation to the organization of militia companies in the county of Walker, reported the same as amended ; which was concurred in. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr Hogan, from the special committee to which was referred a bill to be entitled an act to regulate the payment of petit jurors in the county of Baldwin, reported the same without amendment. *Ordered*, that the bill be made the order of the day for a third reading to-morrow.

A bill to be entitled an act for the relief the Florence Artillery ; and, an act to incorporate the Montgomery fire engine company ; were severally read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to amend an act to establish a road from M'Murray's old saw mill on the Shades creek in Jefferson county, to Charles Mandine's in Shelby county, was read the second time and ordered to a third reading to-morrow.

An engrossed bill to be entitled an act to alter and amend an act to incorporate the stockholders and subscribers to the newly invented marine railway in the city of Mobile, under the patent granted by the authority of the

United States to Daniel Rogers, the original inventor, was read the third time, and committed to a special committee, consisting of messrs Jackson Hogan and Smith.

An engrossed bill to be entitled an act to provide for the attendance of witnesses; and, an act pointing out a mode for the disposition and expenditure of certain taxes in the town of Tnscaleosa, were severally read the third time and passed. *Ordered*, that the titles of the bills be as aforesaid, and that they be sent to the House of Representatives for their concurrence.

An engrossed joint resolution to repeal so much of the act creating a board of internal improvement, as authorizes the employment of an engineer, was read the third time and rejected. Yeas 10—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie, Anderson, Dupuy, Edmonson, Hemphill, Hubbard, Jackson, Pickett, Powell and Walthall.—Those who voted in the negative are, Messrs President, Bridges, Conner, Crawford, Garth, Hogan, Merriwether, Morton, Perry, Smith, Vining.

A bill to be entitled an act to authorize James Vest, of Morgan county, to erect a dam across Flint river in said county, was read the second time and ordered to a third reading to-morrow.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have read a second time and indefinitely postponed a bill which originated in the Senate entitled an act concerning dower; a bill to be entitled an act to authorize Samuel Woodruff to erect a mill and other water works on Cahawba river, was read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to organize a separate supreme court, was taken up, and a call of the House being requested, the bill was laid on the table for one hour.

Mr Anderson moved that the Senate adjourn till to-morrow at 10 o'clock; which was carried. Yeas 11—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Abercrombie, Anderson, Conner, Hemphill, Hogan, Morton, Perry, Powell, Smith and Vining.—Those who voted in the negative are, messrs Bridges, Crawford, Edmondson, Garth, Hubbard, Jackson, Merriwether, Pickett, Walthall.

The Senate accordingly adjourned.

Thursday, Jan. 6, 1831.—The Senate met pursuant to adjournment.

Mr Hogan presented the petition of sundry citizens of Mobile, praying that the fire engine company No. 2, in said city, may be exempted from jury duty, and from the payment of road taxes; which was read and referred to a special committee, consisting of messrs Hogan, Smith and Vining.

Mr Hogan also presented the memorial of the stockholders of the Bank of Mobile, praying authority to increase the capital stock of said Bank, and that the charter of said Bank may be prolonged; which was read and referred to the committee on the State Bank.

Mr Pickett, from the committee on propositions and grievances, to which was referred a bill to entitled an act to compensate Washington Allen for certain services therein named, reported that it is inexpedient to pass the bill; which was concurred in. Yeas 9—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Crawford, Dupuy, Garth, Hemphill, Jackson, Merriwether, Vining and Walthall.—Those who voted in the negative are, messrs Abercrombie, Conner, Edmondson, Hogan, Hubbard, Morton, Pickett and Powell.

Mr Pickett, from the same committee to which was referred a bill to be entitled an act for the relief of the holders of lots purchased at the first sale of lots in the town of Cahawba, reported the same without amendment; The question was put, Shall the bill be engrossed and made the order of the day for a third reading to-morrow? and lost. So the bill was rejected.

Mr Crawford called up a bill to be entitled an act authorizing a jury to be drawn to attend the county courts of certain counties, and for other purposes. Mr Garth moved to strike from the bill the county of Morgan wherever it occurs; which was carried. Mr Morton moved to strike from the bill the county of Franklin wherever it occurs; which was carried. The bill was then read the third time, and the question being put, Shall the bill pass? it was carried. Yeas 11—Nays 5.

The yeas and nays being desired those who voted in the affirmative are, Messrs President, Crawford, Dupuy, Hemphill, Hogan, Hubbard, Jackson, Merriwether Pickett, Powell, and Walthall.—Those who voted in the negative are Messrs Abercrombie, Conner, Edmondson, Garth, and Morton. So the bill was passed.

Ordered, that the Secretary acquaint the House of Representatives therewith.

Mr Powell, from the special committee to which was referred a bill to be entitled an act to provide for the election of superintending Trustees for the University of Alabama, reported the same without amendment. Mr Powell moved to strike out all the bill after the enacting clause, and substitute the following: "That the third and fourth sections of an act entitled an act to repeal in part and amend an act entitled an act supplementary to an act to establish a State University, repealed by a joint resolution declaring the expiration of the office of the present Trustees of the University of the State of Alabama, approved 12th January. 1828, shall be, and the same are hereby re-enacted;" which was lost. Yeas 9—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, messrs Conner, Garth, Hogan, Jackson, Merriwether, Pickett, Powell, Vining and Walthall.—Those who voted in the negative are, messrs President, Abercrombie, Crawford, Dupuy, Edmondson, Hemphill, Hubbard, Morton and Perry.

The question was then put, Shall the bill be engrossed and made the order of the day for a third reading to-morrow? and lost. Yeas 7—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs Crawford, Garth, Hogan, Hubbard, Morton, Vining and Walthall.—Those who voted in the negative are, messrs President, Bridges, Conner, Dupuy, Edmondson, Hemphill, Jackson, Merriwether, Perry, Pickett and Powell.

Mr Jackson moved to reconsider the vote of the Senate in relation to the engrossment of the bill; which was lost. Yeas 10—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs Crawford, Garth, Hogan, Jackson, Merriwether, Morton, Powell, Smith, Vining and Walthall.—Those who voted in the negative are, messrs President, Abercrombie, Bridges, Conner, Dupuy, Edmondson, Hemphill, Hubbard, Irwin, Perry and Pickett.

Mr Hogan, from the joint committee elected to examine into the state and condition of the Bank of the State of Alabama, submitted the following report; which was laid on the table, and five hundred copies ordered to be printed:

The joint committee appointed by the General Assembly to examine into the state and condition of the Bank of the State of Alabama, beg leave to report—

That they have been engaged in the performance of the duties assigned them, since the period of their appointment to the present time; and although much time has elapsed since the commencement of their labors, yet from the multiplicity of their duties as members, it was not to be expected that their undivided attention could be devoted to the examination of the Bank.

Your committee caused the state of the Bank to be made up to include the 18th December, 1830, and find that the Bank is liable for the amount of notes in circulation in the sum of six hundred and sixty-one thousand eight hundred and seventy-five dollars, and to the amount of individual deposits, in the sum of three hundred and sixty-six thousand nine hundred and ninety-two dollars and thirty-two and a quarter cents. This item, however, is composed of the following sums, viz: Tennessee Canal Fund, amounting to \$142,239 81; interest on the Three Per Cent Fund, \$10,132 60; Revenue Fund, being an annual dividend declared on the 9th November, 1830, of \$30,293 76; interest on

the Seat of Government Fund, of \$6,900 75; State Treasurer, \$52,910 75; University Fund and Agent, of \$38,573 04; and individual deposits, about one third of which is partial payments on notes which fall due 1st and 4th January, \$35,935 52 1-4. The Bank is also liable for the sum of \$5,056 29, due other Banks for collections made for them, which makes the Bank accountable for the sum of \$1,034,923 61 1-4, exclusive of the capital stock; and to meet this sum the Bank possesses, in specie, \$98,163 60 1-4; in notes of the United States and other solvent Banks, the sum of \$178,188. There is also due from other Banks in account with this, the sum of \$206,157 02. The Bank also possesses, in Bills of Exchange, all of which fall due prior to 1st April, the sum of \$452,041 35, and in notes discounted and all due on 1st and 4th January, the sum of \$700,289 22, which amounts to the sum of \$1,634,839 22 1-4, exhibiting a most prosperous and flattering result of the operation of the Bank since the last annual examination, and which is more fully explained in the annexed statement, marked (A.) by which statement it will also be seen that the Bank has realized, since the 8th January, 1830, as profits, the sum of \$68,859 58.

The attention of your committee has been drawn to the solvency of the debtors of the Bank; and in order to ascertain more fully the condition of each individual whose name appears on any note due the Bank, the committee invited the attendance of the delegation from each county, and submitted for their examination and inspection, a list of the notes from their respective counties; and the result of this examination proves that there is due the Bank, of doubtful debts, \$6,065, and of bad debts the sum of \$16,666 00, as will be more fully explained by statement (B.) It is, however, due to the Board of Directors, to state that the amount due from Jackson county, as well as some other counties, has been due this Bank several years. It is believed that a portion of the sums now reported as bad, and doubtful, will yet be recovered; and from the cautious manner in which discounts have been made within the last two years, that a similar result will not again occur. Upon an examination of the blank paper belonging to this institution, your committee's attention has been called to the settlement made by a committee of the Board of Directors with the late Cashier, in which they have seen that a deficit of two hundred and one impressions of blank *post notes* was reported by said committee, and could not be accounted for. It is believed by some of the gentlemen who examined the Bank last year, that these blank bills were then in their place. Your committee, however, deemed it proper to have an interview with the Board of Directors on this subject, and invited the attendance of the Board. From all the answers given by the Board, as well as individual members of their committee, the loss of the paper cannot be accounted for. It is, however, ascertained, that it has never been the habit of the committees of the Board of Directors, in their monthly examinations, to count the blank paper; and the first knowledge they had of its absence was made known by the committee who was appointed to receive from the late Cashier, the books, papers, cash, and other effects of the Bank.—As soon as it was known, the Board took the necessary steps to prevent imposition on the public, by withdrawing from circulation all *post notes* of this Bank; and it is believed no injury can be sustained by the Bank by its loss. In continuing the examination of the blank paper, one impression of Ones, Twos, and Threes were missing. That, however, has been accounted for by the Cashier's stating it was measurably destroyed by the mice. They also find one impression of Tens and Twentys missing; and in lieu of that, find among the Fiftys and Hundreds one impression too many; which induces your committee to believe a mistake must have originated with the engraver, and that he sent one impression of Fiftys and Hundreds in lieu of the Tens and Twentys. In order that future committees may have a more accurate knowledge of the amount of blank paper on hand, your committee have not deemed it irrelevant to state in this report, that the Bank possesses, in blank paper, of the denomination of Fiftys and Hundreds, 502 impressions, or sheets, of four notes each; of the denomination of Tens and Twentys, 7,704 ditto; of the denomination of Fives, 13,006 ditto; of the denomination of Ones, Twos and Threes, 13,942 ditto; and of *post notes*, 1,283 single impressions.

Your committee would recommend to the Board of Directors, that in all future examinations by the Board, the blank paper should claim some of their attention. Subsequent to the 18th ult. the day on which the State Bank was made up, a material change has taken place in the situation of the debts due the Bank. The notes then due were \$700,289 22, and on the 1st inst. the amount due on notes was reduced to the sum of \$129,881 22; and the bills of exchange increased to \$756,908 33, and there is no doubt but a much larger sum has been paid within the days of grace. Your committee have thought it proper to cause an extra statement to be made up, to include the first inst. and is herewith annexed, marked (C); and the statement marked (D) gives an analysis of the capital stock, shewing the items of which it is composed. And your committee would recommend, that the fund heretofore known as the Seat of Government Fund, be transferred to, and merged in the fund known as the Revenue Fund, as a sum equivalent to the

Seat of Government Fund has been drawn from the Revenue for the erection of a State Capitol, and it is proper that it should be replaced by that fund.

In closing this report, your committee feel it a duty they owe to themselves, as well as to the President and Directors, to bear testimony to the judicious arrangements made with the Branch Bank of the United State at Mobile, whereby a more enlarged and confidential circulation of the paper of this Bank has taken place; and the consequence has been, that this institution has not found it necessary to import any specie within the last year, which has heretofore been a subject of annual expense, and the calls for specie within the last year has only amounted to the sum of \$29,433, a sum very inconsiderable when compared with previous years, and may well be attributed to the harmony existing between those two institutions, and the mutual confidence reposed in each other.

Your committee cannot conclude without expressing their satisfaction with the prompt manner in which the Cashier afforded them every facility to enable them to discharge the duties assigned them. All of which is respectfully submitted.

JOHN B. HOGAN, R. B. WALTHALL, JAMES JACKSON,

Committee on part of Senate.

DAVID MOORE, E. YOUNG, THO. COOPWOOD,

Committee on part of the House of Representatives.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have adopted the following resolution, in which they request the concurrence of the Senate: *Resolved*, that the two Houses of the General Assembly, with the concurrence of the Senate, adjourn on the 15th instant *sine die*, provided the business of the two Houses shall not be sooner gone through. *Ordered*, that the Senate concur in the above resolution. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Powell, from the joint committee on enrolled bills, reported as correctly enrolled, an act for the relief of the tax collector of Walker county; an act to incorporate the Cahawba Academy, in the county of Dallas; an act to extend the powers of the county court of Dallas county, in relation to roads; an act for the relief of William Jackson; an act to authorize the commanding officers of the forty-sixth regiment of Alabama militia to form a company beat with a less number than forty privates, in the county of Dale; an act to authorize the judge of the county court and commissioners of revenue and roads of Walker county to levy an extra county tax, for the completion of the public buildings of said county; an act supplemental to an act entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river, and for other purposes; an act to regulate the time of payment for lands sold by the State of Alabama at the land office at Courtland; an act regulating the acknowledgement of deeds and the relinquishment of dower; an act to change the time of holding the county courts of Pike county; an act to compensate the commissioners of roads and revenue of the counties of Greene, Perry, Lawrence, Marengo and Dallas; an act to establish an academy in the county of Mobile; and, memorial to the Congress of the United States in relation to public lands: all of which were accordingly signed by mr President.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have read three several times and passed a bill which originated in the Senate, entitled an act to appoint an additional surveyor for the county of Lawrence: and have amended the same in the manner herewith shewn: in which they request the concurrence of the Senate.

Ordered, that the Senate concur in the amendment made by the House of Representatives to the above mentioned bill. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Hubbard moved to take from among the orders of the day, and proceed to the consideration of the bill entitled an act to organize a separate supreme court; which was lost. Yeas 11—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Abercrombie, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hubbard, Jackson, Merriwether, Pickett and Walthall*.—Those who voted in the negative are, messrs *President, Anderson, Bridges, Conner, Hogan, Irwin, Morton, Perry, Powell, Smith and Vining*.

Mr Hogan, from the special committee to which was referred a bill to be entitled an act, in part to amend an act, entitled an act to revise, consolidate and amend the several acts relative to the militia of this State, passed Dec. 31, 1822, reported the same as amended. Mr Jackson moved that the bill and report lie on the table till the first day of March next; which was lost. Mr Jackson then moved to disagree to the first amendment proposed by the committee, which proposes to fix the rank of Adjutant General to that of a Colonel instead of Brigadier General; which was carried.—Mr Perry moved to amend the second amendment proposed by the committee, by striking out *one hundred* and inserting *two hundred dollars*; where it reads thus: "Provided, that the sum thus paid shall not exceed in any one year the sum of one hundred dollars;" which was carried. Yeas 18, Nays 3.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Abercrombie, Anderson, Bridges, Conner, Dupuy, Edmondson, Garth, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Pickett, Powell, Smith and Walthall*.—Those who voted in the negative are, messrs *Crawford, Hemphill, Hogan, and Vining*.

The amendment as amended was then concurred in. Mr Hogan moved to fill the blank in the bill with *seven cents*, where it reads thus: *And the sum of—cents per mile for every mile which shall be travelled by him* (the Adjutant General) *while employed, &c.* which was carried. Yeas 13—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Abercrombie, Bridges, Conner, Garth, Hemphill, Hogan, Merriwether, Morton, Powell, Smith Vining, and Walthall*.—Those who voted in the negative are, messrs *Anderson, Crawford, Dupuy, Edmondson, Hubbard, Irwin, Jackson, Perry and Pickett*.

The question was then put, Shall the bill pass? and carried. Yeas 16—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Abercrombie, Bridges, Conner, Dupuy, Garth, Hogan, Hubbard, Irwin, Jackson, Morton, Perry, Pickett, Powell, Smith and Walthall*.—Those who voted in the negative are messrs *Anderson, Crawford, Edmondson, Hemphill, Merriwether and Vining*.

Mr Hubbard moved that the Senate proceed to the consideration of the bill entitled an act to organize a separate supreme court; which was carried. Yeas 12—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Abercrombie, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hubbard, Irwin, Jackson, Merriwether, Pickett and Walthall*.—Those who voted in the negative are, messrs *President, Anderson, Bridges, Conner, Hogan, Morton, Perry, Powell, Smith, Vining*.

The bill was then read the third time. Mr Abercrombie called for the previous question: and the question was put, Shall the the main question be now put? and lost. Yeas 11—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Abercrombie, Dupuy, Edmondson, Garth, Hemphill, Hubbard, Irwin, Jackson, Merriwether, Pickett and Walthall*.—Those who voted in the negative are messrs *President, Anderson, Bridges, Conner, Crawford Hogan, Morton, Perry, Powell, Smith and Vining*.

A call of the House being requested, the bill was laid on the table for one hour.

A bill to be entitled an act to regulate the payment of petit jurors in the county of Baldwin, was read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Smith, from the special committee to which was referred a bill to be entitled an act permanently to fix the seat of justice in the county of Monroe, reported the same as amended. *Ordered*, that the bill and proposed amendment lie on the table till to-morrow.

Mr Hogan moved that the Senate adjourn till 10 o'clock to-morrow ; which was lost. Yeas 11—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Anderson, Bridges, Conner, Hogan, Merriwether, Morton, Perry, Powell, Smith and Vining*.—Those who voted in the negative are, messrs *Abercrombie, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hubbard, Irwin, Jackson, Pickett and Walthall*.

An engrossed bill to be entitled an act in relation to the organization of the militia companies in the county of Walker, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A bill to be entitled an act to authorize James Vest, of Morgan county, to erect a dam across Flint river, in said county ; and, an act to amend an act entitled an act to establish a road from M-Murray's old saw-mill on the Shades creek, in Jefferson county, to Charles Mendine's, in Shelby county, were severally read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Hogan moved that the Senate adjourn till half past eight o'clock to-morrow ; which was lost. Yeas 7—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Anderson, Hogan, Merriwether, Perry, Powell, Smith and Vining*.—Those who voted in the negative are, messrs *President, Abercrombie, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Irwin, Jackson, Morton, Pickett and Walthall*.

Mr Hogan, from the special committee to which was referred a bill to be entitled an act concerning the county court of Mobile county, and for other purposes, reported the same as amended ; which was concurred in.—*Ordered*, that the bill be made the order of the day for a third reading to-morrow.

The Senate took up and resumed the consideration of the bill entitled an act to organize a separate supreme court. The question was put, Shall the bill pass ? and determined in the negative. Yeas 10—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Anderson, Bridges, Hogan, Merriwether, Morton, Perry, Powell, Smith and Vining*.—Those who voted in the negative are, messrs *Abercrombie, Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hubbard, Irwin, Jackson, Pickett and Walthall*. So the bill was rejected.

Mr Pickett offered the following resolution : *Resolved*, that the rules of the Senate be so altered, that when a call of the House is made the bill or resolution under consideration shall not be delayed for a longer time than when it may be ascertained that the House is full ; which was laid on the table till to-morrow.

Mr Hogan offered the following preamble and resolution : Whereas, experience has fully established the necessity of appropriating the first floor now occupied by the Senate to the deliberation of the same : *Therefore be it resolved*, that hereafter the doorkeeper be required to invite visitors, ladies excepted, to go into the gallery while the Senate is in session.

And then the Senate adjourned until to-morrow morning 10 o'clock.

Friday, Jan. 7, 1831.—The Senate met pursuant to adjournment.

Mr Crawford, from the special committee to which was referred a communication from the Governor on the subject, reported a bill to be entitled

an act to provide for the transfer of certificates of stock issued by the State of Alabama ; which was read and ordered to a second reading to-morrow.

Mr Smith introduced a bill to be entitled an act to secure to females covert, their estate against the debts of their husbands, which were contracted before marriage ; which was read. Mr Smith moved that the rule requiring bills to be read on three several days be dispensed with, and that the bill be read the second time forthwith ; which was lost. Yeas 5—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Bridges, Hogan, Morton, Perry and Smith*.—Those who voted in the negative are, messrs *President, Abercrombie, Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hubbard, Irwin, Jackson, Merriwether, Pickett, Vining, and Walthall*.

Mr Abercrombie moved that the bill lie on the table till the first day of next session ; which was carried. Yeas 11—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Abercrombie, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hubbard, Jackson, Merriwether, Vining and Walthall*.—Those who voted in the negative are, messrs *President, Bridges, Hogan, Morton, Perry, Pickett and Smith*.

Mr Jackson, from the special committee appointed to investigate the complaints made by Asa Hodges against the official conduct of Charles W. Peters, judge of the County Court of Morgan county, submitted the following Report :

The special committee appointed to investigate the charges exhibited by Asa Hodges against Charles W. Peters, judge of the County Court for Morgan county, with power to take testimony, and send for persons and papers, and report the result of their investigations to the Senate, respectfully report—That, after a careful examination of all the evidence adduced by the memorialist in support of his charges, as well as the evidence of the respondent, it has been proven to the satisfaction of your committee, that Dorothy Hodges, one of the minor heirs of Fleming Hodges, deceased, had been an inhabitant of Lawrence county, from the time of her father's death, up to the 10th of June, 1830, and lived during that period, by the consent of her guardian, Benjamin Cooper, with her brother, Asa Hodges ; and that, on the said 10th day of June aforesaid, she left the House of the said Asa Hodges without the knowledge or consent of her guardian, and came to Morgan county in company with George M. Echols, for the purpose of marrying him : and, also, that Charles W. Peters, the respondent, did, on the aforesaid 10th day of June, go to the house of one Robert F. Houston, a distance of eighteen miles from the Court-House of Morgan county, and did there, after the hour of nine o'clock at night, with the clerk of the County Court, proceed to hold a special term, in vacation of the Orphans Court, and did then and there permit the said Dorothy to choose the aforesaid George M. Echols as her guardian ; and upon such choice, did permit the said Echols to execute bond with security for such guardianship, and caused letters of guardianship to issue, which bear test of " office in Somerville this 10th day of June, 1830 ;" and that the said Charles W. Peters did, on the same night, and immediately thereafter, celebrate the rights of matrimony between the said George M. Echols and the said Dorothy. The establishment of these facts your committee believe, proves such a wilful neglect of duty, as requires the interposition of the constituted authorities ; they, therefore, recommend the adoption of the following Resolution :

Resolved, That the charges set forth in the memorial under consideration, are sufficient, and sufficiently sustained by proof, to authorize an address to the Governor for the removal of the said Charles W. Peters, from the office of Judge of the County Court for Morgan county.

Ordered, that the report and resolution lie on the table.

Mr Smith offered the following resolution : *Resolved*, that Thos. J. Frow, editor of the Selma Courier, be permitted to take a seat within the bar of the Senate for the purpose of taking notes of the proceedings ; which was adopted.

Mr Crawford introduced a bill to be entitled an act for the benefit of certain purchasers of University lands; which was read. Mr Morton moved that the further consideration of the bill be indefinitely postponed; which was carried. Yeas 13—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Bridges, Conner, Edmondson, Garth, Hemphill, Hogan, Irwin, Jackson, Merriwether, Morton, Perry, Vining and Walthall*.—Those who voted in the negative are, messrs *President, Crawford, Dupuy, Hubbard, Pickett and Smith*.

Mr Pickett introduced a bill to be entitled an act to amend an act in relation to capital crimes committed by slaves; which was read: and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Hogan, from the special committee to which was referred a bill to be entitled an act prescribing the mode of payment of persons who mark and lay out State roads, reported the same as amended; which was concurred in. The bill was then read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Hubbard presented the following document, which was ordered to be spread upon the journals of the Senate:

The undersigned, members of the Senate of Alabama, who voted in the minority upon concurring in a report of the judiciary committee, on a preamble and resolution respecting a publication made by George W. Gayle, assistant secretary to the Senate, in the Selma Courier of the 18th December last, avail themselves of the privilege secured by the Constitution, of shewing their constituents the reasons which influenced them in giving their votes.

On the 11th December, a memorial to the Congress of the United States asking a donation of lands to enable the State of Alabama to connect the waters of the Coosa and Tennessee rivers, was under discussion in the Senate: several amendments were offered, and their merits discussed; the policy of passing the memorial was also gone into. Mr Abercrombie was opposing the memorial, and supporting some amendments, which he alleged would make it less objectionable if adopted; and in the discussion made several speeches. Mr George W. Gayle, the assistant secretary of the Senate, made a sketch of what he pretended was the substance of that gentleman's speech, and caused it to be published in a newspaper called the Selma Courier, pending the question before the Legislature; and which publication the undersigned know to be a misrepresentation of the remarks used by Mr Abercrombie on that occasion. This publication is evidently made to wound the feelings of that gentleman, and bring him into contempt before his constituents and before the public, and had a direct tendency to excite his feelings and that of other members, and thus disturb that harmony so necessary in deliberative bodies to the promotion of correct results. Upon the appearance of the said publication, the gentleman from Butler introduced a resolution in the Senate, stating, "that the aforesaid publication, to the knowledge and distinct recollection of the Senate, is widely different in *substance* and *language* from the remarks used by the Hon. James Abercrombie in the debate referred to;" and this resolution was referred to the committee on the judiciary for their report, a majority of whom reported that "the facts presented by the preamble preceding the resolution, do not present such a case as will authorize the Senate to take cognizance thereof." A majority of the Senate having voted a concurrence in the report, the minority will here examine the correctness of their decision. The ground taken by the majority establishes the principle, that when a question is pending before the Legislature, its clerks or officers have a right to publish any falsehood whatever in relation to the public course of a member, and may publish the grossest misrepresentations of his speeches, with a view of bringing such member into ridicule and contempt before his constituents, and the House to which he belongs; that this may be done to gratify the most malevolent and vindictive feeling; and that the House has no power to protect a member of their body from such rudeness and insult, either by removing from the presence of their deliberations the author of such mischief, or rendering it harmless by saying to their constituents that such publication is untrue.

The undersigned believe that every deliberative body has incidentally belonging to

it, by reason of its creation, power to preserve harmony in its deliberations, and to prevent interruption. The most inferior judicial tribunals have such power as will secure them from insult and contempt; and shall it be contended, that the legislative body, the highest tribunal known to our institutions, charged with the care of all that is dear to the people, exercising the sovereign power of the whole State, is destitute of the power of protecting itself from contempt and insult, and that the character and feelings of its members lie at the mercy of its clerks and officers, and subject to their malevolence? Such construction would degrade in public estimation the character of this body.

Can the judges of the several courts, for any publications made within their jurisdictions, which is calculated to excite the public mind in relation to a question pending before them, whether true or false, punish the authors, and yet the Legislature of the State not dare notice publications tending to detract from their character, disturb the quiet of their deliberations, and which are not true?

We are of opinion, that such construction of our powers would leave us too feeble a body for the solemn exercise of that sovereignty which, through their Representatives, belong to the whole people. We have, however, been told by Mr Gayle, that if the exercise of this power is attempted, it will move a spirit of inquiry among the people that will result in the determination that the Senate is not one of the judicial tribunals of the country." We, however, entertain the opinion that this Senate, as well as other legislative bodies, for purposes of self-defence, possess a sufficiency of judicial power to protect itself from aggression; that "no standing rule" of the House is needed to enable them to exercise such power; and that any contempt offered to a member whilst engaged in the duties of his constituents, is a contempt offered to the House, of which he forms a part; to the people, whom he represents; and that, if the offence is of such character as greatly to excite his mind, and prevent his usefulness to his constituents, the House has the power to prevent such interruption, and it is our duty to exercise it, by the adoption of such measures as will effect that object.

The minority are very willing that the proceedings here had "shall move a spirit of inquiry among the people;" and that they may determine upon the exercise of power, whether it will tend most to their good to give the clerks of the Legislature power to publish falsehood and misrepresentation respecting their members, and interrupt the harmony of their deliberations, or to give the Legislature power to enforce good behaviour. If, however, it is contended that this will prevent free inquiry among the people concerning our acts; and that the members themselves are too corrupt to publish all that ought to be known, still the right to misrepresent and pervert the truth would not find advocates; and although it is contended by Mr Gayle, that under the Constitution he has a right freely to write, speak and publish his sentiments of the public conduct of members of the Legislature, being responsible for the abuse of that liberty, yet they believe that he has, in this instance, abused that liberty, by misrepresenting the course of a member of this body during its deliberations; and that he is responsible to this House, whose harmony he has disturbed.

The minority are of opinion that the publication referred to, is a misrepresentation of the remarks used by the Hon. James Abercrombie on the passage of the said memorial; that it was wantonly published by said George W. Gayle, assistant secretary to this Senate, for the purpose of bringing Mr Abercrombie into contempt; and that this Senate have power to punish such imprudence, by censure or removal.

The minority would not willingly endanger individual rights or the rights of personal security and respectability; nor do they believe that these rights are at all jeopardized by the exercise of the power contended for; as the only cause of complaint which could arise, would be the imposing upon the malevolent and imprudent officers of the Legislature the necessity of behaving themselves decently whilst in the public employment.

For these foregoing reasons, the undersigned voted against a concurrence in the report of a majority of the committee on the judiciary.

Signed,

D. HUBBARD,

R. B. WALTHALL,

JAMES JACKSON,

J. W. GARTH,

WILLIAM IRWIN,

Q. MORTON.

WM. HEMPHILL,

Mr Jackson, from the special committee to which was referred a bill to be entitled an act authorizing the Comptroller of Public Accounts to draw a warrant as therein expressed, reported the same as amended; which was concurred in. The bill was then read the third time and passed. Ordered, that the Secretary acquaint the House of Representatives therewith.

The Senate resumed the consideration of the resolution offered yesterday by Mr Hogan, directing the door keeper to invite visitors into the gallery while the Senate is in session. Mr Jackson moved to strike out all the

resolution after the word *hereafter*, and to insert the following: "that the part of the Senate chamber each side of the entrance door, as far as to the second windows, shall be considered the lobby of the Senate chamber, which alone shall be subject to the occupancy of visitors, and that the door keeper erect a bar on each side." Mr Irwin moved that the resolution and proposed amendment lie on the table till the first day of March next; which was lost. Yeas 6—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie, Crawford, Hemphill, Irwin, Perry and Vining.——Those who voted in the negative are, messrs President, Bridges, Conner, Edmondson, Garth, Hogan, Hubbard, Jackson, Merriwether, Pickett, Smith and Walthall.

The amendment offered by mr Jackson, was adopted.

The question was put on the adoption of the resolution as amended, and carried. Yeas 12—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President, Bridges, Conner, Edmondson, Garth, Hogan, Hubbard, Jackson, Merriwether, Pickett, Smith and Walthall.——Those who voted in the negative are, messrs Crawford, Dupuy, Hemphill, Irwin, Morton, Perry and Vining.

A message from the House of Representatives by mr Van Dyke: *Mr President*—The House of Representatives have concurred in the amendments made by the Senate to the bill entitled an act to provide for opening a certain road therein named, and to the joint resolution directing the Governor to subscribe for five copies of the debates on the adoption of the Federal Constitution. They have read a second time and indefinitely postponed a bill which originated in the Senate, entitled an act giving to the county courts jurisdiction of offences committed by slaves. They have also read three several times and passed bills which originated in their House, entitled an act to make an appropriation therein named; an act to authorize David Wallis and Amos Jarmon, of Lawrence county, to erect a mill on the Tennessee river; an act for the relief of the officers and privates of the 11th regiment of the militia of this State; an act to incorporate the Trustees of the Jefferson Academy at Elyton; an act for the relief of A. Van Sant; an act to regulate the rate of pilotage over the Outer Bar, and Dog river Bar in Mobile Bay; an act to amend an act entitled an act to amend an act to regulate the licensing physicians to practice, and for other purposes, passed the 15th day of Jan. 1839; an act to authorize John L. Pearson, of St Clair county, to erect a mill and other water works in said county; an act to amend an act entitled an act to incorporate the town of Bellefont, in the county of Jackson; an act to amend the several acts in relation to the compensation of petit jurors in the counties of Henry and Dale; and, an act to discontinue and establish certain election precincts therein specified: in all of which they desire the concurrence of the Senate. They have also read three several times and passed a joint resolution which originated in the Senate, providing for the distribution of the laws of the United States.

Bills from the House of Representatives of the following titles, to wit: an act to incorporate the Trustees of Jefferson Academy, at Elyton; an act to authorize David Wallis and Amos Jarmon, of Lawrence county, to erect a mill on the Tennessee river; an act for the relief A. Van Sant; an act to authorize John L. Pearson, of St Clair county, to erect a mill and other water works in said county; and, an act to amend an act entitled an act to incorporate the town of Bellefont in the county of Jackson; were severally read the first time; and the rule requiring bills to be read on three several days being dispensed with by a majority of four fifths, the bills were severally read the second and third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Bills from the House of Representatives, entitled an act for the relief of

the officers and privates of the 11th regiment of the militia of this State ; an act to make an appropriation therein named ; and, an act to amend an act entitled an act to amend an act to regulate the licensing physicians to practice, and for other purposes, passed 15th day of January 1830, were severally read the first time and ordered to a second reading to-morrow.

A bill to be entitled an act to regulate the rate of pilotage over the Outer Bar and Dog river Bar in Mobile Bay, was read; and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time and committed to a special committee, consisting of messrs Hogan, Crawford and Smith.

Mr Hubbard introduced a bill to be entitled an act to revive a certain act therein named ; which was read and ordered to a second reading to-morrow.

A bill to be entitled an act to amend the several acts in relation to the compensation of the petit jurors in the counties of Henry and Dale, was read the first and second time and ordered to a third reading to-morrow.

A bill to be entitled an act to discontinue and establish certain election precincts therein specified, was read the first time ; and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time, and referred to a special committee, consisting of messrs Crawford, Hogan and Garth.

Mr Crawford called up the bill to be entitled an act to discontinue and establish certain election precincts in the county of Pickens ; which was committed to the same committee.

Mr Garth moved to take up the report of the committee appointed to investigate the complaints made by Asa Hodges against the official conduct of Charles W. Peters, judge of the county court of Morgan county, with a view of recommitting the same ; which was carried. Yeas 14—Nays 2.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Bridges, Crawford, Edmondson, Garth, Hogan, Jackson, Merriwether, Perry, Pickett, Powell, Smith, Vining and Walthall.*—Those who voted in the negative are messrs *Hubbard and Hemphill.*

Ordered, that the report be recommitting to the committee appointed to investigate said complaints.

A message from the House of Representatives by mr Van Dyke : Mr President—The House of Representatives disagree to the amendments made by the Senate to the bill entitled an act authorizing a jury to be drawn to attend the county courts of certain counties, and for other purposes. *Ordered*, that the Senate recede from their amendment to said bill, so far as relates to the county of Morgan. *Ordered*, that the bill and remainder of amendments lie on the table till to-morrow.

A bill from the House of Representatives entitled an act concerning the county court of Mobile county, and for other purposes, was read the third time as amended and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act permanently to fix the seat of justice in the county of Monroe, was taken up; the amendment proposed by the special committee was concurred in. The bill was then read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Saturday, Jan. 8, 1831.—The Senate met pursuant to adjournment.

Mr Hogan, from the committee on the State Bank, to which was referred the memorial of the stockholders of the Bank of Mobile, reported a bill to be entitled an act supplementary to an act entitled an act to establish

a Bank in the town of Mobile, passed November 20, 1818? which was read and ordered to a second reading on Monday next.

Mr Hogan, from the special committee to which was referred the petition of sundry citizens of Mobile, reported a bill to be entitled an act for the relief of the fire engine company No 2, of the city of Mobile; which was read and ordered to a second reading on Monday next.

Mr Jackson, from the special committee to which was recommitted the report of the committee appointed to investigate the complaints made by Asa Hodges against the official conduct of Charles W. Peters, judge of the county court of Morgan county, reported the additional testimony taken by the committee, and also submitted for adoption the report and resolution offered by the committee on yesterday. *Ordered*, that the report of the committee lie on the table.

Mr Anderson submitted the following document to be entered on the journals of the Senate:

As a member of the judiciary committee, to whom was referred the preamble and resolution of the Hon. William Hemphill, and the communication of George W. Gayle, assistant secretary of the Senate, together with an amendment offered by myself, in language thus: "that in the opinion of the Senate the writer of the aforesaid letter published in the Selma Courier of the 18th inst. is guilty of, and has made a garbled statement of the speech of the Hon. James Abercrombie, and has misrepresented the remarks used by that gentleman, upon the memorial to connect the waters of the Coosa and Tennessee rivers," I was, and still am, of opinion that they did present such a case as authorized this Senate to take cognizance and jurisdiction thereof. A majority of the judiciary committee thought differently, and made the following report: "That the committee are of opinion that the facts presented by the preamble preceding the resolution, do not present such a case as will authorize the Senate to take cognizance thereof." In which opinion and report the judiciary committee was sustained, the Senate concurring therein by a vote of thirteen to seven. Having voted in the minority upon the motion to concur, I now avail myself of the *constitutional right* to spread my reasons for that vote on the journals; and shall proceed so to do as succinctly as possible.

I lay it down as orthodoxal, as an opinion that cannot be controverted, and one that should ever prevail, the acknowledged constitutional law-making power in every government or community, whether civilized or savage, *ex necessitate rei*, for the safety of those they represent, and their own existence as a deliberative body, have a right in any and every instance to punish for a contempt; and it is wholly immaterial whether there is, or is not, any constitutional or statutory law conferring that power, it is believed to be, if not substantive and independent, "auxiliary and subordinate." In this position I am sustained by the opinion of the Supreme Court of the United States, in the case of *Anderson vs. Dunn*. To deny the power of a component and necessary part of a legislative body to punish for contempts, would be to deny that body the right of self-preservation. Here, however, it would not be amiss to anticipate the reasons of those who voted differently from myself. They, perhaps, say, it was no contempt, because the *act* was not done, or the *letter* written, in the presence of the Senate. Let it be asked, how can they, or can this Senate, come to that conclusion without an investigation, or, in other words, without testimony as to the fact? Does the act itself prove it was not done in the presence of the Senate? Is there any fact developed in the preamble and resolution of the honorable gentleman from Butler, or my amendment, that proves it was not done in the Senate? Is there any thing in the communication of George W. Gayle himself, that shews it was not, or even denies it was done in the presence of the Senate? How then did the judiciary committee, and this Senate, come to the conclusion, that "the facts presented by the preamble preceding the resolution, do not present such a case as will authorize the Senate to take cognizance thereof? Was it because the preamble *did not state it was done in the presence of the Senate*? If correct, as to the reason why the committee made such a report, and this Senate concurred therein, let me ask, what are the consequences and the evils that must and will inevitably flow from such a position? It will and does follow, that the foulest slander may be propagated, and libel after libel may be published upon this Senate, or any of its members, even by one of its officers, and he go unpunished, provided he have the address and cunning in all he says, does, or writes, *not to shew* it was in the presence of this body. It gives to the wary, to the malicious, the cunning, and the designing, the unrestrained right and liberty to put at defiance the dignity of the Senate, the majesty of the laws, and the liberties of those we represent: it authorizes any individual to speak or publish any thing in relation to the pro-

ceedings of this Senate, and be his own witness. For if this House has no power to examine and form testimony, to learn and know whether an act was or was not done in its presence, any individual may, in the actual presence of this House, publish the foulest and most malicious falsehood in relation to its proceedings, or the official act of one of its members, if, in communicating the same to a distant editor, he is sufficiently guarded in the communication itself not to show it was actually done in our presence. As the officer of this House, Mr Gayle, so far as its proceedings are to be considered, unless strictly within the line of his duty, should have been a mere automaton; he should have seen and heard, but should have been respectfully silent. Others, perhaps, say, we cannot punish, because there is nothing in our Constitution and laws that confers that power. Suppose such to be the fact, we still have the right, the power, and the jurisdiction. Did the framers of our Constitution have any written law to authorize their investigating the act of any individual, and from that investigation to learn the character and quality of the act; and if upon such investigation, found to be a contempt, had they the right to punish? They had no written law to authorize this proceeding: no gentleman, however, of this House, will deny they had such power and such authority. Where, then, did they derive it? Was it not a necessary concomitant and auxiliary power from their very nature and existence as a Convention? How were they to know whether a publication respecting many of their own proceedings, or respecting a speech of one of their own members, in referring to the proceedings of their own body, was true or false, unless they had the power to investigate; and from its testimony, learn its truth or its falsehood? Deny their right to investigate in many instances, you deny their power to punish. Deny their power to punish in a solitary instance, and you deny their power to do and perform what they were chosen and sent by the people to do and perform, which was to give this State a Constitution. Does not the express grant of higher powers, necessarily draw after it the authority and necessity of exercising those of a less, although not expressly granted? The authority and power of making laws, by which a community are to be governed, is the highest and most transcendent power of all others; then shall this House deny or refuse itself the privilege of investigating, and if necessary to punish an act of one of its own officers, that has from its very nature a direct tendency to disturb the harmony of its deliberations?

The Constitution expressly gives the Senate a power to expel one of its own members. Shall we then deny ourselves the power of punishing one of its own officers. So far as I have progressed, my arguments are bottomed upon the *presumption*, that the communication of George W. Gayle, the Assistant Secretary to this House of the 18th December last, to the editor of the Selma Courier, is untrue; and that presumption is hypothetically used to elucidate my position. Here, however, I feel it my duty, as a member of this Senate, to state, that the communication, so far as it relates to Mr Abercrombie, is a tissue of misrepresentation. What, then, has this Senate done by concurring in the report of the majority of the judiciary committee? They have virtually admitted a clerk, or any other officer of this House, may spread abroad, and published, the most palpable, malicious and wicked falsehoods against one of their own body, in relation to his official capacity; and what is more absurd and dangerous than all, they say he shall be protected; and around him they will throw their wings of protection and cover. This subject is now left with an express avowal, that throughout this transaction, from first to last, no other wish was had, or object was contemplated, than that right and justice might prevail.

Signed,

RUFUS K. ANDERSON.

Mr Crawford, from the special committee to which was referred a bill to be entitled an act to improve the navigation of the Coosa river, reported the same as amended; which was concurred in. Mr Powell moved that the bill lie on the table till the first day of next session; which was lost. Yeas 3—Nays 19.

The yeas and nays being desired, those who voted in the affirmative are, messrs Edmondson, Powell and Vining.—Those who voted in the negative are, messrs President, Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Garth, Hemphill, Hogan, Hubbard, Irwin, Jackson, Merriwether, Morton Perry, Pickett, Smith and Walthall.

Mr Anderson offered the following amendment to the bill: *And be it further enacted*, that it shall be the duty of said board of internal improvement to cause a like survey and examination of the Tombeckbee river to be made, and shall cause the obstructions to the navigation of said river to be removed in the same manner and under the same regulations as are prescribed for the improvement of the navigation of the Coosa. Mr Hogan moved to

amend the proposed amendment by adding thereto the following words, *as soon as the obstructions in the Coosa river are removed*; which was carried. Yeas 13—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Abercrombie, Conner, Crawford, Dupuy, Hemphill, Hogan, Hubbard, Irwin, Perry, Pickett, Smith and Walthall.—Those who voted in the negative are, messrs Anderson, Bridges, Edmondson, Garth, Jackson, Merriwether, Morton, Powell, Vining.

The question was then put on the adoption of the amendment offered by mr Anderson, as amended, and carried. Yeas 16—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie, Anderson, Bridges, Conner, Garth, Hemphill, Hogan, Hubbard, Irwin, Jackson, Merriwether, Morton, Pickett, Powell Smith and Vining.—Those who voted in the negative are, messrs President Crawford, Dupuy, Edmondson, Perry, and Walthall.

Mr Pickett moved to amend the bill by adding after the words *thirty-one* the words *and each subsequent year until the same shall amount to fifty thousand dollars*, where the bill reads thus: *that all the three per cent fund; which may be received from the United States during the year 1831, &c. be, and the same is hereby appropriated, &c.;*” which was carried. Mr Powell moved to amend the bill by inserting *Black Warrior river* after *Coosa*, so as to make the provisions of the bill applicable to the Black Warrior also; which was lost. Yeas 7.—Nays 14.

The yeas and nays being desired, those who voted in the affirmative are, messrs Anderson, Dupuy, Garth, Jackson, Merriwether, Powell, and Vining.—Those who voted in the negative are, messrs President, Abercrombie, Bridges, Conner, Crawford, Edmondson, Hemphill, Hogan, Hubbard, Irwin, Perry, Pickett, Smith and Walthall.

Mr Walthall offered the following amendment to the bill: *And be it further enacted*, that it shall be the duty of said board of internal improvement to cause surveys of the Cahawba river, up to the falls and near Centreville to be made, and to remove the obstructions in said river in like manner as is provided for in this bill for the removal of the obstructions in the Coosa river. Mr Hogan moved to amend the proposed amendment by adding thereto the words *as soon as the obstructions of the Coosa and Tombeckbee rivers are removed*; which was carried. Yeas 13—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Abercrombie, Bridges, Conner, Crawford, Dupuy, Hemphill, Hogan, Hubbard, Irwin, Perry, Pickett, and Smith.—Those who voted in the negative are, messrs Anderson Edmondson, Garth, Jackson, Merriwether, Morton, Powell, Vining and Walthall.

The amendment offered by mr Walthall as amended, was then adopted. Mr Anderson moved that the bill be committed to a special committee; which was lost. Yeas 7—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are, messrs Anderson, Edmondson, Garth, Hemphill, Merriwether, Powell, and Walthall.—Those who voted in the negative are, messrs President Abercrombie, Bridges, Conner, Crawford, Dupuy, Hogan, Hubbard, Irwin, Jackson, Morton, Perry, Pickett Smith and Vining.

Mr Crawford moved that the bill be made the order of the day for a third reading on Monday next; which was carried. Yeas 16—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Abercrombie, Bridges, Conner, Crawford, Dupuy, Garth, Hemphill, Hogan, Hubbard, Irwin, Jackson, Morton, Perry, Pickett and Smith.—Those who voted in the negative are, messrs Anderson, Edmondson, Merriwether, Powell, Vining and Walthall.

Mr Pickett introduced a bill to be entitled an act better to regulate intercourse with slaves; which was read. Mr Pickett moved that the rule requiring bills to be read on three several days be dispensed with, and that

the bill be read the second time forthwith; which was lost. Yeas 14—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Abercrombie, Anderson, Bridges, Conner, Hemphill, Hogan, Hubbard, Irwin, Jackson, Morton, Perry, Pickett, Smith and Walthall*.—Those who voted in the negative are, messrs *President, Crawford, Edmondson, Garth, Merriwether, Powell and Vining*.

Ordered, that the bill be made the order of the day for a second reading on Monday next.

Mr Perry introduced a bill to be entitled an act to amend the laws now in force regulating proceedings by attachment; which was read: and the rule requiring bills to be read on three several days being dispensed with, the bill read the second time and referred to the committee on the judiciary.

Mr Bridges introduced a bill to be entitled an act to amend the law in relation to the appointment of county surveyors; which was read and ordered to a second reading on Monday next.

Mr Irwin, from the military committee to which was referred a bill to be entitled an act to divide the 20th regiment of the militia of this State, and for other purposes, reported the same as amended; which was concurred in. The bill was then read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Powell, from the joint committee on enrolled bills, reported as correctly enrolled, an act more effectually to secure trials in capital cases by impartial jurors; an act to change the name of a certain person therein named; an act authorizing and legalizing the registration of deeds not heretofore recorded in the legal time; an act to authorize the mayor and aldermen of the town of Huntsville, to exempt the Huntsville Guards from working on the streets of Huntsville; all of which were accordingly signed by Mr President.

Mr Bridges called up the resolution from the House of Representatives proposing to go into the election of a judge of the county court of Wilcox and Conecuh counties. Mr Bridges moved to amend the resolution by striking therefrom the words *Monday at 11 o'clock*, and inserting *Tuesday next at the hour of 7 o'clock, P. M.*; which was carried. The resolution as amended was then concurred in. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr McClellan: Mr President—The House of Representatives have read three several times and passed bills which originated in the Senate, entitled an act in relation to the organization of the militia companies in the county of Walker; an act in part to amend an act entitled an act to revise, consolidate and amend the several acts relative to the militia of this State; and, an act to extend the jurisdiction of the State of Alabama throughout the chartered limits of the State. The latter bill they have amended as therein shewn: in which they desire the concurrence of the Senate.

Ordered, that the bill entitled an act to extend the jurisdiction of the State throughout the chartered limits of the State, together with the amendments made thereto by the House of Representatives, lie on the table till Monday next.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have read three several times and passed a bill which originated in their House, entitled an act to continue in force and amend an act entitled an act to provide for reporting the decisions of the supreme court: in which they desire the concurrence of the Senate. The bill mentioned in the foregoing message was read the first time and ordered to a second reading on Monday next.

A bill to be entitled an act to revive a certain act therein named, was read the second time and ordered to be engrossed for a third reading on Monday next.

A bill to be entitled an act to provide for the transfer of certificates of stock issued by the State of Alabama, was read the second time and referred to the committee on the State Bank.

A bill to be entitled an act to amend an act entitled an act to amend an act to regulate the licensing physicians to practice, and for other purposes, passed the 15th day of January 1830, was read the second time: and the the rule requiring bills to be read on three several days being dispensed with, the bill was read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Hubbard, from the committee on the judiciary to which was referred a bill to be entitled an act altering the time of holding the circuit courts of the several counties of this State, reported the same without amendment. *Ordered*, that the bill be engrossed and made the order of the day for a third reading on Monday next.

A bill to be entitled an act for the relief of the officers and privates of the 11th regiment of the militia of this State, was read the second time and ordered to a third reading on Monday next.

Mr Irwin offered the following preamble and resolution: Whereas, the 8th of January is a day ever dear to the hearts of all patriots, *Therefore be it resolved*, that the door keeper be instructed to illuminate the Senate chamber this evening; which was adopted.

A bill to be entitled an act to make an appropriation therein named, was read the second time and ordered to a third reading on Monday next.

A bill to be entitled an act to amend the several acts in relation to the compensation of the petit jurors in the county of Henry and Dale, was read the third time and laid on the table.

Ordered, that the Senate recede from their amendment to the bill entitled an act authorizing a jury to be drawn to attend the county courts of certain counties, and for other purposes. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Ordered, that the resolution offered by Mr Pickett on the 6th instant, proposing an alteration in one of the rules of the Senate, be committed to a special committee; whereupon, messrs Crawford, Bridges and Pickett were appointed.

Mr Abercrombie introduced a bill to be entitled an act for the relief of Philimon Waters; which was read: and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time. Mr Bridges moved to amend the bill by adding the name of Robert M. Hailes after Philimon Waters; which was carried. Mr Abercrombie moved further to amend it by adding the name of John S. Bailey after Robert M. Hailes; which was carried. *Ordered*, that the bill be engrossed and made the order of the day for a third reading on Monday next.

Mr Powell presented the account of the Sheriff of Tuscaloosa county against the State; which was referred to the committee on accounts and claims.

And then the Senate adjourned till Monday morning at 10 o'clock.

Monday, Jan. 10, 1831.—The Senate met pursuant to adjournment.

Mr Perry offered the following resolution: *Resolved*, that Erasmus Walker, Editor of the Tuscaloosa Inquirer, be permitted a seat within the bar of the Senate, for the purpose of taking notes of the proceedings thereof for publication; which was adopted.

Mr Powell, from the joint committee on enrolled bills, reported as correctly enrolled, an act to authorize Samuel Woodruff, to erect a mill and other water works on Cahawba river; an act to authorize James Vest, of Morgan county, to erect a dam across Flint river in said county; an act to appoint an additional surveyor for the counties of Lawrence and Lauderdale; an act to regulate the payment of petit jurors in the county of Baldwin; an act to incorporate the Montgomery fire engine company; an act to provide for opening a certain road therein named; joint resolution directing the Governor to subscribe for five copies of the debates on the adoption of the Federal Constitution; an act to amend an act entitled an act to establish a road from M. Murray's old saw mill on the Shades creek, in Jefferson county, to Charles Mundine's; in Shelby county; and, an act for the relief of the Florence Artillery; all of which were accordingly signed mr President.

Mr Hubbard, from the committee on the State Capitol to which was referred the account of John Robb, reported a bill to be entitled an act for the relief of certain persons therein named; which was read and ordered to a second reading to-morrow.

Mr Hubbard, from the same committee to which was referred the communication from William Nichol's on the subject of the defect in the roof of the State Capitol, asked to be discharged from the farther consideration thereof; which was agreed to.

Mr Hubbard, from the committee on the judiciary to which was referred a bill to be entitled an act to amend the laws now in force regulating proceedings by attachment, reported the same without amendment; the bill was then read the third time and passed. *Ordered*, that the title be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Hubbard introduced a bill to be entitled an act to prescribe the mode of taking testimony in causes depending in chancery courts of this State in certain cases; which was read. Mr Hubbard moved that the rule requiring bills to be read on three several days be dispensed with, and that the bill be read the second time forthwith which; was lost. Yeas 15—Nays 6; four fifths being necessary.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Bridges, Conner, Crawford, Dupuy, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Pickett, Powell, Vining and Walthall*.—Those who voted in the negative are, messrs *Anderson, Edmondson, Garth, Hemphill Hogan, Smith*.

Ordered, that the bill be made the order of the day for a second reading to-morrow.

Mr Jackson, from the special committee to which was referred the engrossed bill entitled an act to alter and amend an act to incorporate the stockholders and subscribers to the newly invented marine railway, in the city of Mobile, under the patent granted by the authority of the United States to Daniel Rogers, the original inventor, reported the same as amended; which was concurred in. The bill was then read the third time and passed. *Ordered*, that the title be as aforesaid, and that the bill be sent to the House of Representatives for their concurrence.

Mr Anderson offered the following resolution: *Resolved*, that Charles W. Peters, judge of the county court of Morgan county, be permitted at three o'clock this evening, by himself or counsel, to appear at the bar of the Senate, in defence of the charges exhibited against him by the memorial of Asa Hodges; which was adopted.

A message from the House of Representatives by mr Van Dyke: Mr

President—The House of Representatives have concurred in the several amendments made by the Senate to bills which originated in their House of the following titles, to wit: an act authorizing the Comptroller of Public Accounts to draw a warrant as therein expressed; an act concerning the county court of *Mobile county*, and for other purposes; and, an act permanently to fix the seat of justice in the county of *Monroe*.

The Senate took up, and resumed the consideration of the amendments made by the House of Representatives to the bill entitled an act to extend the jurisdiction of the State of Alabama throughout the chartered limits of the State. *Mr Crawford* moved that the bill and amendments be again laid on the table; which was lost. Yeas 8—Nays 14.

The yeas and nays being desired those who voted in the affirmative are, Messrs *Bridges, Crawford, Hogan, Irwin, Jackson, Powell, Smith, Vining*.—Those who voted in the negative are Messrs *President, Abercrombie, Anderson, Conner, Dupuy, Edmondson, Garth, Hemphill, Hubbard, Merriwether, Morton, Perry, Pickett, Walthall*,

Mr President having called *Mr Morton* to the chair, moved to amend the amendment made by the House, by adding the 2d section to the bill by striking out all after to wit: in the 2d line, and by inserting the following “beginning at Fort Deposit, on the Tennessee river and running with the Deposit road to the Blount county line near Edward Cox’s on the Raccoon mountain, thence eastwardly along the said mountain to the Georgia State line, thence with said line to the Tennessee State line, thence with said line to the Tennessee river, thence down said river to the beginning; shall be attached to and become a part of Jackson county;” which was lost. Yeas 7—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Bridges, Crawford, Hogan, Jackson, Perry and Vining*.—Those who voted in the negative are, messrs *Abercrombie, Anderson, Conner, Dupuy, Edmondson, Garth, Hemphill, Hubbard, Irwin, Merriwether, Morton, Pickett, Powell, Smith and Walthall*.

Mr Bridges moved to amend the 3th section of the amendment, by striking out the words *mouth of Chickasaw Bogue*, and inserting *mouth of Horse creek*, so as to attach that part of the Choctaw nation within the State, and between the mouth of the Black Warrior and Horse creek, to the county of *Marengo*; which was lost. Yeas 11—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Bridges, Crawford, Edmondson, Garth, Jackson, Merriwether, Perry, Pickett, Powell and Vining*.—Those who voted in the negative are, messrs *Abercrombie, Anderson, Conner, Dupuy, Hemphill, Hogan, Hubbard, Irwin, Morton, Smith and Walthall*.

Mr Hogan moved that the Senate disagree to the amendments made by the House of Representatives to the bill, by adding thereto sections 1, 2, 3, 4, 5, 6, 7 and 8; all of which provide for the extension of the boundaries of the counties of this State over the Indian territory within the limits of the State; which was decided by yeas and nays as follows. Yeas 9—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Bridges, Edmondson, Hogan, Jackson, Merriwether, Powell, Smith and Vining*.—Those who voted in the negative are messrs *Abercrombie, Anderson, Conner, Crawford, Dupuy, Garth, Hemphill, Hubbard, Irwin, Morton, Perry, Pickett and Walthall*.

Mr Morton moved that the Senate adjourn till three o’clock this evening; which was lost. Yeas 7—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Conner, Garth, Hemphill, Hubbard, Irwin, Morton, Perry and Smith*.—Those who voted in the negative are, messrs *President, Abercrombie, Anderson, Bridges, Crawford, Dupuy, Edmondson, Hogan, Jackson, Merriwether, Pickett, Powell, Vining and Walthall*.

A question of order having been raised, mr President decided that if the motion to disagree to the amendments made by the House had failed, the Senate would thereby have concurred in the amendments, as the negative of a motion to disagree is equivalent to a determination to concur. But he determined that as the amendments provided for an extension of the boundaries of several of the counties of this State, it was necessary under the Constitution that a majority of two thirds should agree to the amendment; and that as a majority of two thirds did not vote against disagreeing, the amendments were not concurred in by the Senate.

A message from the Governor by mr Thornton: Mr President—I am requested by the Governor to inform your honorable body that he did on this day approve and sign, an act for the relief of William Jackson; an act to incorporate the Cahawba Academy, in the county of Dallas; an act for the relief of the tax collector of Walker county for the year 1830; an act to extend the powers of the county court of Dallas county in relation to roads; an act to authorize the commanding officers of the forty-sixth regiment of Alabama militia to form a company beat with a less number than forty privates in the county of Dale; an act supplemental to an act entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river, and for other purposes; and, an act to authorize the judge of the county court and commissioners of revenue and roads of Walker county to levy an extra county tax for the completion of the public buildings of said county. All of which originated in the Senate.

And then the Senate adjourned till half past 2 o'clock this evening.

Evening Session.—The Senate resumed the consideration of the amendments made by the House of Representatives to the bill entitled an act to extend the jurisdiction of the State of Alabama throughout the chartered limits of the State. *Ordered*, that the bill and amendments lie on the table till to-morrow.

Mr Anderson called up the report of the committee appointed to investigate the charges made by Asa Hodges against Charles W. Peters, judge of the county court of Morgan county. Mr Anderson moved that the report and resolution submitted by the committee be disagreed to. Messrs Ellis and Stewart then appeared at the bar of the Senate to conduct the prosecution on the part of the memorialist; and mr Thornton appeared as counsel of judge Peters, when the testimony taken by the committee was read. Mr Powell moved that the report of the committee and resolution submitted by the committee be again laid on the table; which was lost. Yeas 4, Nays 17.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Edmondson, Hemphill and Powell*.—Those who voted in the negative are, messrs *Abercrombie, Anderson, Bridges, Crawford, Dupuy, Garth, Hogan, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Pickett, Smith, Vining and Walthall*.

Mr President decided that the counsel for the memorialist had the right to open and conclude the argument before the Senate; from which decision mr Anderson appealed to the Senate: and the question was put, Shall the decision of the chair be sustained? and carried. Yeas 15—Nays 3.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Bridges, Crawford, Dupuy, Edmondson, Hogan, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Pickett, Powell and Smith*.—Those who voted in the negative are, messrs *Anderson, Garth and Vining*.

Mr Morton moved that the Senate adjourn till 10 o'clock to-morrow; which was lost. Yeas 7—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Edmondson, Garth, Morton, Powell, Smith and Vining*.—Those who

voted in the negative are, messrs *Abercrombie, Anderson, Bridges, Crawford, Dupuy, Hogan, Hubbard, Jackson, Merriwether, Perry, Pickett and Walthall.*

Mr Powell, from the joint committee on enrolled bills, reported as correctly enrolled, an act for the relief of A. Vansant; which was accordingly signed by mr President.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have read three several times and passed a bill which originated in their House, entitled an act to amend the several acts concerning assessors and tax collectors; in which they desire the concurrence of the Senate.

Mr Hogan moved that the Senate adjourn till half past 6 o'clock this evening; which was carried. Yeas 10—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Bridges, Edmondson, Garth, Hogan, Hubbard, Jackson, Merriwether, Morton and Walthall.*—Those who voted in the negative are, messrs *Abercrombie, Anderson, Crawford, Dupuy, Perry, Pickett, Powell, Smith and Vining.*

The Senate accordingly adjourned.

Half past 6 o'clock, Jan. 10, 1831.—The Senate met pursuant to adjournment.

Mr Powell, from the joint committee on enrolled bills, reported as correctly enrolled, an act concerning the county court of Mobile county, and for other purposes; which was accordingly signed by mr President.

The Senate resumed the consideration of the report and resolution submitted by the committee appointed to investigate the charges exhibited by Asa Hodges against Charles W. Peters, judge of the county court of Morgan county. Mr Ellis addressed the Senate in support of the charges; and mr Thornton addressed the Senate in reply, and in defence of judge Peters; and mr Stewart closed the argument on the part of the prosecution.

Mr Vining moved that the Senate adjourn till 10 o'clock to-morrow; which was lost. Yeas 7—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Irwin, Jackson, Morton, Powell, Smith and Vining.*—Those who voted in the negative are, messrs *Bridges, Crawford, Dupuy, Edmondson, Garth, Hogan, Hubbard, Merriwether, Perry, Pickett, and Walthall.*

The Senate adjourned till to-morrow morning at 10 o'clock.

Tuesday, Jan. 11, 1831.—The Senate met pursuant to adjournment.

Mr Crawford, from the special committee to which was referred a bill to be entitled an act to discontinue and establish certain election precincts therein specified, reported the same as amended; which was concurred in. Mr Hogan moved to strike out that part of the bill which proposes the establishment of election precincts at the house of Jesse Lot, and Madame Alvarez, in the county of Mobile; which was carried. *Ordered*, that the bill lie on the table.

Mr Hogan introduced a bill to be entitled an act to change the name of Henrietta Amanda Caldwell to Henrietta Amanda Huber; which was read: and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third times forthwith and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Crawford, from the special committee to which was referred a bill to be entitled an act to abolish certain election precincts in the county of Pickens, and establish others in lieu thereof, reported the same without amendment. *Ordered*, that the bill lie on the table.

Mr Hogan, from the special committee to which was referred a bill to be entitled an act to regulate the rate of pilotage over the outer bar and Dog

river bar in Mobile Bay, reported the same without amendment. The bill was then read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Bridges called up the bill to be entitled an act to discontinue and establish certain election precincts therein specified. Mr Bridges moved to strike out the words *one at the house of Col Alfred Blalencyson, Pursly creek*; which was carried. The bill was further amended on Mr Walthall's motion, and read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Powell, from the joint committee on enrolled bills, reported as correctly enrolled, an act to authorize John L. Pearson, of St Clair county, to erect a mill and other water works in said county; an act to amend an act entitled an act to incorporate the town of Bellefonte, in the county of Jackson; an act to incorporate the Trustees of Jefferson Academy, at Elyton; an act authorizing the Comptroller of Public Accounts to draw a warrant as therein expressed; an act to authorize David Wallis and Amos Jarmon of the county of Lawrence to erect a mill on the Tennessee river; joint resolution providing for the distribution of the laws of the United States; and, an act in relation to the organization of militia companies in the county of Walker: all of which were accordingly signed by Mr President.

An engrossed bill to be entitled an act to improve the navigation of the Coosa river, was read the third time. Mr Hemphill offered the following amendment to the bill by way of rider: *And be it further enacted*, that it shall be the duty of the board of internal improvement to order the public hands so purchased to work on such roads of the State as are of most general good, when the waters of Coosa river will not admit of improvement; which was read three several times and adopted. The question was then put, Shall the bill pass? and carried. Yeas 16—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Abercrombie, Bridges, Conner, Crawford, Dupuy, Garth, Hemphill, Hogan, Hubbard, Irwin, Jackson, Morton, Perry, Pickett and Smith*.—Those who voted in the negative are, messrs *Anderson, Edmondson, Merriwether, Powell, Vining and Walthall*. So the bill was past.

Ordered, that the title be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Hogan offered the following preamble and resolution: Whereas, certain errors are alledged to have been committed by the present Cashier of the Bank of the State of Alabama, while acting as Teller of the same; which errors have been represented in a manner calculated to injure the standing of the Cashier as a man of strict integrity in the estimation of the community: *Therefore, resolved*, that the committee appointed on the part of the Senate, be requested to report to the Senate any information in their possession relative to those errors. *Ordered*, that the resolution lie on the table.

An engrossed bill to be entitled an act to revive a certain act therein named, was read the third time and passed. Yeas 12—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Abercrombie, Anderson, Garth, Hemphill, Hubbard, Jackson, Morton, Pickett, Powell, Smith and Walthall*.—Those who voted in the negative are, messrs *Bridges, Conner, Crawford, Dupuy, Edmondson, Hogan, Irwin, Merriwether, Perry and Vining*.

Ordered, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A message from the House of Representatives by Mr Van Dyke: Mr President.—The House of Representatives have read three several times and

passed bills which originated in their *House*, of the following titles, to wit : an act to alter and change the time of holding the county courts of Pickens and Greene ; an act making it the duty of the proper officers of those counties in which any business is pending which properly belongs to the county of Lowndes, to transfer the same to said county ; an act permanently to fix the seat of justice of Clarke county, and for other purposes ; and, an act to amend the laws relative to the sale of the sixteenth sections of land in the State of Alabama : in all of which they desire the concurrence of the Senate. They have concurred in the amendment made by the Senate to the bill entitled an act to divide the 20th regiment of the militia of this State, and for other purposes ; and to the resolution proposing to go into the election of a judge of the county courts of Wilcox and Conecuh counties. They have read the second time and indefinitely postponed the bill which originated in the Senate, entitled an act for the relief of C. B. Rountree, of Lauderdale county. They have also read three several times and passed bills which originated in the Senate of the following titles, to wit : an act to authorize Henry Taylor, of Wilcox county, to emancipate a slave therein named ; an act to amend an act in relation to capital crimes committed by slaves ; and, a joint resolution to authorize the Secretary of State to procure books and stationary for the use of the State Department and the General Assembly : all of which have been amended as herewith shewn : in which the concurrence of the Senate is requested. They have also read and adopted a joint resolution requesting the joint committee appointed to examine the Bank to report any information relative to errors committed by the officers of the Bank : in which they also desire the concurrence of the Senate.

A bill to be entitled an act to alter and change the time of holding the county courts of the counties of Pickens and Greene, was read ; and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time forthwith and passed. *Ordered*, that the Secretary acquaint the *House of Representatives* therewith.

The Senate resumed the consideration of the report and resolution submitted by the committee appointed to investigate the charges exhibited by Asa Hodges against Charles W. Peters, judge of the county court of Morgan county. The question was put on Mr Anderson's motion to disagree to the report and resolution, and decided in the negative. Yeas 8—Nays 14.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie, Anderson, Conner, Edmondson, Garth, Irwin, Morton and Vining.—Those who voted in the negative are, messrs President, Bridges, Crawford, Dupuy, Hemphill, Hogan, Hubbard, Jackson, Merriwether, Perry, Pickett, Powell, Smith and Walthall.

The report and resolution submitted by the committee were consequently agreed to. Mr Smith offered the following resolution : *Resolved*, that the committee appointed to investigate the conduct of Charles W. Peters be instructed to prepare and report an address to the Governor of this State for the removal of Charles W. Peters, from the office of judge of the county court of Morgan county ; which was adopted.

A bill to be entitled an act permanently to fix the seat of justice of Clarke county, and for other purposes, was read ; and the rule requiring bills to be read on three several days being dispensed with the bill was read the second time. Mr Smith moved to amend the bill by striking out the words *within three miles of the geographical centre*, and by inserting the words *within four miles of the geographical centre* ; which was carried. Yeas 13—Nays 3.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Bridges, Crawford, Edmondson, Garth, Hogan, Hubbard, Merriwether, Pickett, Powell, Smith, Vining and Walthall.—Those who voted in the negative are, messrs Abercrombie, Dupuy, and Jackson.

A call of the House being requested, the bill was laid on the table for 1 hour.

A bill to be entitled an act making it the duty of the proper officers of those counties in which any business is pending which properly belongs to the county of Lowndes, to transfer the same to said county, was read the first time; and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time, and amended on Mr Abercrombie's motion, and read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Irwin called up the bill to be entitled an act to amend the several acts in relation to the compensation of the petit jurors in the counties of Henry and Dale. The question was then put, Shall the bill pass? and carried.—*Ordered*, that the Secretary acquaint the House of Representatives therewith.

Ordered, that the bill entitled an act to authorize Henry Taylor, of Wilcox county, to emancipate a slave therein named, together with the amendments made thereto by the House of Representatives, lie on the table till to-morrow.

Ordered, that the Senate concur in the amendments made by the House of Representatives to the bill entitled an act to amend an act in relation to capital crimes committed by slaves. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

The Senate proceeded to the consideration of the amendments made by the House of Representatives to the joint resolution to authorize the Secretary of State to procure books and stationary for the use of the State Department, and General Assembly. Mr Hogan moved to amend the amendment by adding the words *Senate Chamber* after *Hall* of the House of Representatives, so as to have the fire-places prepared for burning coal instead of wood; which was carried. Yeas 13—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Abercrombie, Crawford, Dupuy, Edmondson, Hemphill, Hogan, Hubbard, Merriwether, Pickett, Powell, Smith and Vining*.—Those who voted in the negative are, messrs *Bridges, Conner, Garth, Irwin, Jackson, Perry and Walthall*.

Mr Powell moved to strike out that part of the amendment made by the House of Representatives requiring the stoves to be provided for the use of the Representative Hall; which was carried. The question was then put on concurring in the amendments as amended, and decided in the negative. Yeas 8—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Abercrombie, Edmondson, Hogan, Merriwether, Powell, Smith and Vining*.—Those who voted in the negative are, messrs *Bridges, Conner, Crawford, Dupuy, Garth, Hemphill, Hubbard, Irwin, Jackson, Perry, and Pickett*.

So the amendments were disagreed to. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Joint resolution requesting the joint committee appointed to examine the Bank, to report any information relative to errors committed by the officers of the Bank, was read and adopted. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

And then the Senate adjourned till three o'clock this evening.

Three o'clock P.M.—The Senate met.

A bill to be entitled an act permanently to fix the seat of justice in the county of Clarke, and for other purposes was taken up: and the rule requiring bills to be read on three several days being dispensed with, the bill was read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Crawford introduced a bill to be entitled an act to change the line

between the counties of Montgomery and Shelby; which was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time forthwith and passed. *Ordered*, that the title be as aforesaid, and that the bill be sent to the House of Representatives for their concurrence.

Ordered, that the bill entitled an act to fix the seat of justice in Clarke county, together with the amendments made thereto, lie on the table.

A bill to be entitled an act to amend the laws in relation to the sale of sixteenth sections of land in the State of Alabama, was read and ordered to a second reading to-morrow.

The Senate resumed the consideration of the amendments made by the House of Representatives to the bill entitled an act to extend the jurisdiction of the State of Alabama throughout the chartered limits of the State. *Ordered*, that the Senate disagree to all the amendments to said bill, and that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act for the relief of certain persons therein named, was read the second time, amended, and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to prescribe the mode of taking testimony in causes depending in chancery courts of this State in certain cases, was read the second time and ordered to be engrossed for a third reading to-morrow.

Mr Pickett, from the committee on propositions and grievances to which was referred the claim of Caleb Tate, reported that the vouchers are not sufficient to authorize them to report a bill for his relief; they therefore ask to be discharged from the further consideration of the same; which was agreed to. *Ordered*, that the claim be referred to a special committee: whereupon, messrs Perry, Abercrombie and Merriwether were appointed.

Mr Pickett, from the same committee to which was referred the petition of William M. Marr, reported that it is inexpedient to grant the prayer of the petitioner. *Ordered*, that the report lie on the table.

A bill to be entitled an act to amend the several acts concerning assessors and tax collectors, was read the first time and ordered to a second reading to-morrow.

A bill to be entitled an act to make an appropriation therein named, was read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act for the relief of the Fire Engine Company No 2 of the city of Mobile, was read the second time: and the rule requiring bills to be read on three several days being dispensed with, the bill was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A bill to be entitled an act for the relief of the officers and privates of the 11th regiment of the militia of this State, was read the third time and rejected.

A bill to be entitled an act the better to regulate intercourse with slaves, was read the second time and committed to a special committee consisting of messrs Bridges, Hogan and Pickett.

A bill to be entitled an act supplementary to an act entitled an act to establish a Bank in the town of Mobile, passed November 20th, 1818, was read the second time. Mr Bridges moved that the bill lie on the table till the first day of next session; which was carried.

A bill to be entitled an act to amend the law in relation to the appointment of county surveyors, was read the second time and laid on the table.

A bill to be entitled an act to continue in force and amend an act entitled an act to provide for reporting the decisions of the Supreme court, was read the second time. Mr Morton moved that the bill lie on the table till the first day of March next; which was lost. Yeas 5—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are, messrs Edmondson, Hemphill, Jackson, Morton and Pickett.—Those who voted in the negative are, messrs President, Abercrombie, Anderson, Bridges, Crawford, Dupuy, Garth, Hogan, Hubbard, Irwin, Merriwether, Perry, Powell, Vining and Walthall.

Ordered, that the bill be made the order of the day for a third reading to-morrow.

An engrossed bill to be entitled an act authorizing the alteration of a road therein named, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act for the relief of Philomon Waters, Robert M. Hails and John S. Bailey, was read the third time and passed. Yeas 10—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Abercrombie, Anderson, Bridges, Edmondson, Morton, Perry, Pickett, Smith and Walthall.—Those who voted in the negative are, messrs Crawford, Dupuy, Garth, Hemphill, Hogan, Irwin, Jackson, Merriwether, and Vining.

Ordered, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Ordered, that the bill entitled an act altering the times of holding the circuit courts in the several counties in this State lie on the table.

And then the Senate adjourned till half past 6 o'clock this evening.

Half past 6 o'clock.—The Senate met.

Mr Hogan introduced a bill to be entitled an act for the relief of the city troop, commanded by Captain James Taylor, of the city of Mobile; which was read the first time, and the rule requiring bills to be read on three several days being suspended, the bill was read a second and third time forthwith and rejected.

A message from the House of Representatives by mr Tunstall: Mr President—The House of Representatives have adopted the following resolution, in which they desire the concurrence of your honorable body: *Resolved*, that the Senate be invited to assemble in the Representative Hall for the purpose of going into the election of judges for the county courts of Conecuh and Wilcox counties.

Whereupon the members of the Senate repaired to the Hall of the House of Representatives, and having taken the seats assigned them, mr President announced the object of their meeting; and the two Houses then proceeded to elect a judge for the county court of Conecuh county; Samuel Burnett alone being in nomination, received 79 votes.

Those who voted for mr Burnett are, mr President, Abercrombie, Anderson, Bridges, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hogan, Irwin, Jackson, Merriwether, Morton, Powell, Smith and Vining.—Reps. mr Speaker, Acklen, Baker, Barclay, Boyd, Brodeax, Brown, Chiles, Clark, Clough, Collins, Coopwood, Cunningham, Dillett, Durand, Faulk, Gayle, George, Gilbreath, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of J. King M. King of P. Lane, Langford, Lawler, Lea, Massey, M'Collum, M'Vay, Metcalfe, Mobley, Moore of M. Moore of W. Murphree, Musgrove, Oliver, Phillpot, Price, Rather, Riddle, Richardson, Ross, Rugeley, Sanders, Shortridge, Stevens, Taylor, Townsend, Walker, Ward, and Williams.—78

Mr Burnett having received all the votes present, was declared by mr Speaker to be duly and constitutionally elected judge of the county court of Conecuh county. The two Houses then proceeded to elect a judge for the county court for Wilcox county; Benjamin Williamson alone being in nomination, received 74 votes.

Those who voted for mr Williamson are, messrs President, Abercrombie, Anderson, Bridges, Crawford, Dupuy, Edmondson, Hemphill, Hogan, Irwin, Jackson, Merriweather, Morton, Perry, Powell, Smith and Vining.—Reps. messrs Speaker, Acklen, Baker, Boyd, Brodnax, Brown, Clough, Collins, Coopwood, Cunningham, Dillett, Durand, Faulk, George, Gilbreath, Hall, Harris, Herbert, Hickman, Hogan, Hodges, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of M. King of P. Lane, Langford, Lea, Mardis Massey, McCollum, Metcalfe, Mobley, Moore of M. Moore of W. Murphree, Musgrove, Oliver, Philpot, Price, Rather, Riddle, Richardson, Ross, Rugely, Sanders, Stephens, Taylor, Townsend, Walker, Ward, Williams and Young.

Messrs Chiles, Clark, Gayle, King of J. Lawler, McVay and Shortridge, voted for mr John W. Wilson.

Mr Williamson having received a constitutional majority, was declared by mr Speaker to be duly elected judge for the county court of Wilcox county. The Senate then withdrew, having completed the elections, returned to their own chamber, and mr President having resumed the chair, Mr Anderson moved to reconsider the vote, on the rejection of the bill to be entitled an act for the relief of the city troops commanded by Capt James Taylor, of the city of Mobile; which was carried. Mr Anderson moved to strike out all the preamble from the bill; which was carried. The bill was then read a third time and passed.

Mr Perry, from the special committee to which was referred a bill to be entitled an act to alter the times of holding the circuit courts in the second judicial circuit, reported the same with amendments; which were severally concurred in. The bill was then ordered to be engrossed for a third reading to-morrow.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Saturday, Jan. 12, 1831.—The Senate met pursuant to adjournment.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have read three several times and passed a bill which originated in their House, entitled an act more effectually to secure the compensation allowed by law to jurors of Monroe county: in which the concurrence of the Senate is requested. They have also read three several times and passed bills which originated in the Senate, entitled an act to change the name of Henrietta Amanda Caldwell to Henrietta Amanda Huber; and, an act to alter and amend an act to incorporate the stockholders and subscribers of the newly invented marine railway in the city of Mobile, under the patent granted by authority of the United States to Daniel Rogers, the original inventor. They have also read the second time bills which originated in the Senate, entitled an act to provide for the free admission of students into the University of Alabama, from the several counties in this State, in proportion to their population; and, an act to provide for contesting elections for members to the General Assembly. The first bill they have indefinitely postponed, and the latter postponed till the first day of the next session of the General Assembly.

Mr Crawford presented the petition of Elizabeth Grierson, praying authority to emancipate a certain slave therein mentioned; which was ordered to be laid on the table.

Mr Powell introduced a bill to be entitled an act to incorporate the President and Trustees of the Tuscaloosa Female Academy; which was read. Mr Powell moved to suspend the rule requiring bills to be read on three several days; which was lost. Yeas 15—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are Messrs President, Abercrombie, Anderson, Conner, Crawford, Dupuy, Hemphill, Hogan, Irwin, Morton, Perry, Powell, Smith, Vining and Walthall.—Those who voted in the negative are, Messrs Bridges, Edmondson, Garth, Hubbard, Jackson and Pickett.

Ordered, that the bill be made the order of the day for a second reading to-morrow.

Mr Bridges, from the special committee to which was referred a bill to be entitled an act the better to regulate intercourse with slaves, reported the same as amended. *Mr Hogan* moved to disagree to the first and second sections of the amendment proposed by the committee, which are as follows viz: "that hereafter it shall not be lawful for any person within this State to instruct any slave in the art of spelling, reading or writing at any Sunday or other school; and for any such offence, the person so offending shall be subject to indictment, and upon conviction thereof, shall be subject to a fine at the discretion of the jury trying such offence, not less than twenty dollars, one half to be paid to the informant, and the other paid into the county Treasury, where such offence occurred: *And be it further enacted*, that it shall be the duty of the patrol in all cases to disperse all slaves at such schools, as unlawful assemblages; which was carried. Yeas 11—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Bridges, Conner, Crawford, Edmondson, Garth, Hogan, Morton, Powell, Smith and Vining*.—Those who voted in the negative are messrs *Abercrombie, Dupuy, Hemphill, Hubbard, Irwin, Jackson, Perry and Walthall*.

The question was then put on the remainder of the amendment, and concurred in. Yeas 11—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, Messrs *Abercrombie, Anderson, Bridges, Garth, Hogan, Hubbard, Perry, Pickett, Powell, Smith and Walthall*.—Those who voted in the negative are, messrs *President, Crawford, Edmondson, Hemphill, Irwin, Jackson and Morton*.

Mr Hubbard moved to reconsider the vote on concurring in the amendment as amended. *Mr Smith* moved that the bill and amendment lie on the table till the first of next session; which was lost. Yeas 9—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Conner, Crawford, Dupuy, Garth, Hogan, Powell, Smith and Vining*.—Those who voted in the negative are, messrs *Abercrombie, Anderson, Bridges, Edmondson, Hemphill, Hubbard, Irwin, Jackson, Morton, Perry, Pickett, Powell*.

The question was then put on *mr Hubbard's* motion to reconsider the vote on concurring in the amendment, as amended, and lost. *Mr Bridges* moved to reconsider the vote on *mr Hogan's* motion to disagree to the first and second section of the amendment reported by the committee; which was lost. Yeas 8—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Abercrombie, Bridges, Hemphill, Hubbard, Irwin, Jackson, Pickett, Walthall*.—Those who voted in the negative are, messrs *President, Anderson, Conner, Crawford, Dupuy, Edmondson, Garth, Hogan, Perry, Powell and Smith*.

Mr Crawford moved that the bill lie on the table till Monday next; which was lost. Yeas 10—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Conner, Crawford, Edmondson, Hogan, Morton, Perry, Powell, Smith and Vining*.—Those who voted in the negative are, messrs *Abercrombie, Anderson, Bridges, Dupuy, Garth, Hemphill, Hubbard, Irwin, Jackson, and Pickett*.

Ordered, that the bill lie on the table.

Mr Crawford, from the special committee to which was referred a resolution, proposing to alter the rules of the Senate, that when a call of the House is made, that the bill or resolution under consideration shall not be delayed for a longer time than when it may be ascertained that the House is full, reported an additional rule and resolution; which was adopted, and is as follows, viz.: *Resolved*, that the following be adopted as one of the standing rules of the Senate. **RULE 37.** any two members present shall at all times have power to demand a call of the Senate, at which time the roll shall be called, and if the Senate shall not then be full, the subject matter before it

shall be laid over for one hour, unless the Senate shall sooner be full, but may be resumed as soon as the Senate is full; and not more than one call of the Senate shall be made upon the same bill or other matter on the same day.

Mr Crawford gave notice to the Senate that on to-morrow a motion would be made to rescind the ninth rule of the standing rules of the Senate; which is in these words: "no motion shall be determined on the day it is introduced, if one third of the members request that it be deferred to the next day."

Mr Jackson, from the special committee appointed to investigate the charges exhibited by Asa Hodges against Charles W. Peters, judge of the county court of Morgan, to which was referred a resolution of the Senate, submitted the following addresses, viz:

Address to the Governor requesting the Removal from Office of Charles W. Peters, Judge of the County Court of Morgan County, for Reasons therein stated.

WHEREAS, Charles W. Peters, Judge of the County Court of Morgan county, has been charged by the memorial of Asa Hodges, before this General Assembly, with gross violations of his duty as such Judge; and it is requested that he may be removed from office. And it appearing from the answer of said Judge, and the proofs adduced, that he, said Charles W. Peters, Judge as aforesaid, did, on the night of the 10th day of June last past, go to the house of Robert F. Houston, in the county of Morgan, at the distance of eighteen miles from Somerville, the Seat of Justice, and there met one Dorothy Hodges, sister of the memorialist, who was a minor under the age of eighteen years, and whose known place of residence was the house of Asa Hodges, in the county of Lawrence, where she had a guardian. That the said Peters, Judge as aforesaid, then and there, in the night time as aforesaid, at the request of said Dorothy Hodges, she being over fourteen years of age, appointed Dr George M. Echols her guardian, her former guardian not having resigned or been displaced, he, the said Charles W. Peters knowing at the same time, that she, the said Dorothy, was on the same evening to be married to the said Echols; and the said C. W. Peters, Judge as aforesaid, caused a record of this appointment to be made, as having been done at a special term of the Orphans Court. And it further appears, that on the same night, the 10th of June, 1830, the said George M. Echols, thus appointed, did give his consent, as guardian, to Matthew C. Houston, the Clerk of the County Court, at the house of the said Robert F. Houston, his brother, to the issuance of a marriage license; and the said Charles W. Peters, judge as aforesaid, did, in the night time, and at the time and place aforesaid, solemnize the rites of matrimony between said George M. Echols and Dorothy Hodges, and united them together as husband and wife. The respondent, Peters, urges before this General Assembly, that the proceedings aforesaid were done in good faith, and were legal. This conduct, and this opinion, would be ruinous in its consequences, should such conduct grow into a precedent, and loudly demands the interposition of the constitutional authority for his removal from office by address.

Be it, therefore, resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, two thirds of both Houses concurring therein, That for the causes aforesaid, the Governor be, and he is hereby requested, to remove from office Charles W. Peters, Judge of the County Court of Morgan county.

Mr Perry moved that the address lie on the table, and that the President of the Senate furnish Charles W. Peters, judge of the county court of Morgan county, with a copy of the address and resolution for his removal from office, and cause said Charles W. Peters to be notified that he will be heard in person in his defence at the bar of the Senate this evening at three o'clock, should he choose to avail himself of that right; which was carried. Yeas 15—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Abercrombie, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth,

Hogan, Hubbard, Irwin, Perry, Pickett Smith and Vining.—Those who voted in the negative are, messrs *Anderson, Hemphill, Jackson, Morton, Powell and Walthall.*

And then the Senate adjourned till 3 o'clock this evening.

Evening Session.—The Senate resumed the consideration of the address to the Governor requesting the removal of Charles W. Peters from the office of judge of the county court of Morgan county. *Ordered*, that the address lie on the table till to-morrow.

Mr Conner introduced a joint resolution making it the duty of James Rather to take charge of the furniture of both Houses of the General Assembly; which was read and laid on the table till to-morrow.

Mr Garth introduced a joint resolution making the duty of the Secretary of State to distribute to each regiment the abstracts of Infantry tactics now in his possession; which was read: and the rule requiring joint resolutions to be read on three several days being dispensed with, the resolution was read the second and third time and passed. *Ordered*, that the resolution be sent to the House of Representatives for their concurrence.

A message from the House of Representatives by mr Tunstall: Mr President—The House of Representatives disagree to the amendment made by the Senate to the bill entitled an act permanently to fix the seat of justice of Clarke county, and for other purposes. They insist on their amendments to the bill entitled an act to extend the jurisdiction of the State of Alabama throughout the chartered limits of the State, and have appointed a committee of conference on their part, consisting of messrs Mardis, Cook and Oliver: in which they ask the concurrence of the Senate.

Ordered, that the bill entitled an act permanently to fix the seat of justice in Clarke county, and for other purposes, together with the amendment thereto, lie on the table.

A bill to be entitled an act more effectually to secure the compensation allowed by law to the jurors of Monroe county, was read the first time and ordered to a second reading to-morrow.

On motion of mr Bridges: *Ordered*, that the Senate insist on their disagreement to the several amendments made by the House of Representatives to the bill entitled an act to extend the jurisdiction of the State of Alabama throughout the chartered limits of the State.

Ordered, that a committee of conference be appointed by the Senate to act with the committee appointed by the House of Representatives on the subject of the amendments to said bill; whereupon, messrs Bridges, Jackson and Perry were appointed the committee. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to amend the laws relative to the sale of 16th sections of land in the State of Alabama, was read the first time. Mr Bridges moved that the bill lie on the table till the first day of March next; which was carried.

A bill to be entitled an act to continue in force and amend an act entitled an act to provide for reporting the decisions of the supreme court, was read the third time and passed. Yeas 10—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Abernombie, Bridges, Conner, Crawford, Dupuy, Hogan, Irwin, Perry and Smith.*—Those who voted in the negative are, messrs *Anderson, Edmondson, Garth, Hemphill, Jackson, Morton, Pickett, Vining and Walthall.*

An engrossed bill to be entitled an act to prescribe the mode of taking testimony in causes depending in the chancery courts of this State in certain cases, was read the third time and passed. *Ordered*, that the title of

the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act for the relief of certain persons therein named, was read the third time. Mr Powell offered the following amendment to the bill by way of rider: *And be it further enacted*, that the sum of eleven hundred and forty-nine dollars and twenty-three cents be, and the same is hereby appropriated for the payment of John S. Gorman, being an amount due to said Gorman for work and labor performed under contract for the State; which read three several times and adopted. Yeas 13—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Abercrombie, Conner, Crawford, Dupuy, Edmondson, Garth, Hogan, Jackson, Morton, Powell, Smith and Vining.—Those who voted in the negative are messrs Bridges, Hemphill, Irwin, Perry, Pickett and Walthall. The bill was then passed.

Ordered, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Powell, from the joint committee on enrolled bills, reported as correctly enrolled, an act to divide the 20th regiment of the militia of this State, and for other purposes; an act authorizing a jury to be drawn to attend the county courts of certain counties, and for other purposes; an act to alter and change the time of holding the county courts of Pickens and Greene counties; an act to amend the several acts in relation to the compensation of petit jurors in the counties of Henry and Dale; an act to regulate the rate of pilotage over the Outer bar and Dog river bar in Mobile Bay; and, an act permanently to fix the seat of justice in the county of Monroe: all of which were according signed by mr President.

A message from the House of Representatives by mr M'Clellan: Mr President—The House of Representatives have read three several times and passed a bill which originated in their House, entitled an act to prohibit the clerks of the circuit and county courts of Tuscaloosa county from taxing in the bill of costs a county tax on judgements rendered in favor of the Bank of the State of Alabama; and, joint resolutions of the General Assembly of the State of Alabama, protesting against the establishment of a branch or office of discount and deposite of the Bank of the United States in the State of Alabama: in which they desire the concurrence of the Senate.

The bill mentioned in the foregoing message, was read the first time: and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time. Mr Perry moved that the rule requiring bills to be read on three several days be further dispensed with, and that the bill be read the third time forthwith; which was lost. Yeas 11—Nays 8; four-fifths being necessary.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Bridges, Conner, Dupuy, Edmondson, Hogan, Irwin, Morton, Perry, Smith and Vining.—Those who voted in the negative are, messrs Abercrombie, Crawford, Garth, Hemphill, Hubbard, Jackson, Powell and Walthall.

Ordered, that the bill lie on the table till to-morrow.

Joint resolutions protesting against the establishment of a branch or office of discount and deposite of the Bank of the United States in the State of Alabama, were read the first and second time. Mr Jackson moved that the resolutions be committed to the committee on the judiciary; which was lost. Yeas 9—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie, Edmondson, Garth, Hemphill, Hubbard, Irwin, Jackson, Morton and

Powell.—Those who voted in the negative are, messrs *President, Bridges, Conner, Crawford Dupuy, Hogan, Perry, Smith, Vining and Walthall.*

Ordered, that the resolutions lie on the table till to-morrow.

An engrossed bill to be entitled an act to alter the time of holding the circuit courts in the second judicial circuit, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A bill to be entitled an act to amend the several acts concerning assessors and tax collectors, was read the second time and laid on the table.

A bill to be entitled an act to authorize Henry Taylor, of Wilcox county, to emancipate a slave therein named, together with the amendments made thereto by the House of Representatives, was taken up. The question was put on concurring in the amendment, which authorizes Elizabeth Grierson to emancipate a certain slave, named Dick, and carried. Yeas 10—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Anderson, Conner, Crawford, Garth, Morton, Perry, Powell, Smith and Walthall.*—Those who voted in the negative are messrs *Abercrombie, Bridges, Dupuy, Edmondson, Hemphill, Hubbard, Jackson and Vining.*

Ordered, that the Secretary acquaint the House of Representatives therewith.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Thursday, Jan. 13, 1831.—The Senate met pursuant to adjournment.

Mr Perry introduced a bill to be entitled an act to change the time of holding the county courts in the county of Dallas; which was read: and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Smith called up the bill to be entitled an act permanently to fix the seat of justice of Clarke county, and for other purposes. On motion of Mr Smith: *Ordered*, that the Senate insist on the amendments to said bill. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act more effectually to secure the compensation allowed by law to the jurors of Monroe county, was read the second time and ordered to a third reading to-morrow.

Mr Hogan moved to reconsider the vote of the Senate on the passage of the bill entitled an act to alter the time of holding the circuit courts in the second judicial circuit; which was carried. *Ordered*, that the bill be committed to a special committee; whereupon, messrs Bridges, Perry and Abercrombie were appointed the committee.

A bill to be entitled an act to prohibit the clerks of the circuit and county courts of Tuscaloosa county from taxing in the bill of costs a county tax on judgements rendered in favor of the Bank of the State of Alabama, was taken up. Mr Powell moved to amend the bill by adding the words, *without the intervention of a jury*, so as to prevent the clerks from taxing costs in cases where no jury intervenes; which was carried. Yeas 11—Nays 9.

The yeas and nays being desired those who voted in the affirmative are, Messrs *President, Abercrombie, Anderson, Edmondson, Garth, Hogan, Jackson, Merriwether, Powell, Smith and Vining.*—Those who voted in the negative are Messrs *Bridges, Conner, Crawford, Dupuy, Hemphill, Hubbard, Morton, Perry and Walthall.*

A call of the House being requested, the bill was laid on the table for one hour.

Joint resolutions protesting against the establishment of a branch or office of discount and deposit of the Bank of the United States in the State of Alabama, were taken up. Mr Hubbard offered the following amendment to the resolution: *And be it further resolved*, that in this opinion of this General Assembly, that the location of an office of discount and deposit of the Bank of the United States at Mobile, was a violation of our rights as a sovereign and independent State, and that our Senators in Congress be instructed, and our Representatives requested to use their best exertions to cause the said office of discount and deposit of the United States Bank to be removed from the State of Alabama.

Mr Anderson called for the previous question: Mr President decided that the previous question precluded debate on the main question, but that the propriety of putting the previous question was debateable. Mr Perry appealed to the Senate from this decision; and the question was put, Shall the decision of the chair be sustained? and lost. Yeas 5—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Conner, Garth, Hogan and Smith.—Those who voted in the negative are, messrs Abercrombie, Anderson, Crawford, Dupuy, Edmondson, Hemphill, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Pickett, Vining and Walthall.

The question was then put, Shall the main question be now put? and lost. Yeas 10—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie, Anderson, Conner, Crawford, Dupuy, Irwin, Jackson, Morton, Perry Walthall.—Those who voted in the negative are, messrs President, Bridges, Edmondson, Garth, Hemphill, Hogan, Hubbard, Merriwether, Pickett, Smith and Vining.

Mr Hogan moved to amend the amendment offered by Mr Hubbard, by adding thereto the following words: *After the charter of the Bank of the United States shall have expired*; which was lost. Yeas 3—Nays 16.

The yeas and nays being desired, those who voted in the affirmative are, messrs Conner, Hogan and Smith.—Those who voted in the negative are, messrs President, Abercrombie, Anderson, Bridges, Crawford, Dupuy, Edmondson, Garth, Hubbard, Jackson, Merriwether, Perry, Pickett, Powell, Vining and Walthall.

A call of the House being requested, the resolutions were laid on the table.

A bill to be entitled an act to prohibit clerks of the circuit and county courts of Tuscaloosa county from taxing in the bill of costs a county tax on judgements rendered in favor of the Bank of the State of Alabama, was taken up. Mr Powell moved to strike from the bill the following words: *And said clerks and all sheriffs are hereby prohibited from collecting any tax as aforesaid on any judgement or execution hereafter rendered or issued in favor of said Bank*; which was carried. The bill was then read the third time and passed. Yeas 15—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Abercrombie, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hubbard, Irwin, Jackson, Perry, Pickett Smith and Walthall.—Those who voted in the negative are, messrs Anderson, Hogan, Morton, Powell, and Vining.

Mr Powell, from the joint committee on enrolled bills, reported as correctly enrolled, an act to amend an act entitled an act in part to amend an act entitled an act to revise, consolidate and amend the several acts relative to the militia of this State, passed Dec. 31st 1822; an act to emancipate certain slaves therein named; an act to alter and amend an act entitled an act to incorporate the stockholders and subscribers to the newly invented marine railway in the city of Mobile, under the patent granted by the authority of the United States, to Daniel Rogers, the original inventor; an act to change the name of Henrietta Amanda Caldwell, to Henrietta Amanda Huber; and, an act to amend an act in relation to capital crimes com-

mitted by slaves, and free persons of color : all of which were accordingly signed by mr President.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have read three several times and passed bills which originated in their House, of the following titles, to wit : an act to regulate the rates of wharfage in the city of Mobile ; an act to provide for the payment of petit jurors in the county court of Pike county ; an act to incorporate the Ashville Academy in St Clair county ; an act to attach a part of Wilcox county to the county of Clarke ; an act to establish a certain ferry therein named ; an act to repeal an act entitled an act to authorize the judge of the county court and commissioners of roads and revenue of Fayette county to levy an extra tax, approved Jan. 24, 1829 ; an act to emancipate certain slaves therein named ; and, an act altering the boundary line between the counties of Bibb and Tuscaloosa : in all of which the concurrence of the Senate is requested. They have also read three several times and passed bills which originated in the Senate, entitled an act for the relief of the fire engine company No. 2, of the city of Mobile ; an act for the relief of the city troop commanded by Capt. James Taylor of the city of Mobile ; an act to change the line between the counties of Montgomery and Shelby ; an act to provide the means for building a jail for the county of Tuscaloosa ; an act to alter and amend an act entitled an act to incorporate the town of Vernon in the county of Autauga ; an act extending relief to Daniel Davis, Meridith Moses and E. W. Thomas ; and an act to repeal in part an act therein mentioned. The House of Representatives have disagreed to the first and second, and the amendment by adding the 9th section to the bill which originated in their House, entitled an act to discontinue and establish certain election precincts therein specified ; all of the other amendments made by the Senate to said bill have been concurred in by the House of Representatives. They have concurred in the amendment made by the Senate to the bill entitled an act making it the duty of the proper officers of those counties in which any business is pending which properly belongs to the county of Lowndes, to transfer the same to said county. They recede from their amendments to the joint resolution to authorize the Secretary of State to procure books and stationary for the use of the State Departments and General Assembly. They have also read three several times and passed bills which originated in the Senate, entitled an act to manumit and set free a certain slave therein named, and for other purposes ; and, an act to incorporate the town of Waverly in Pickens county, and Fayetteville in the county of Fayette, both of which latter bills they have amended as herewith shewn ; in which they request the concurrence of the Senate. They have also read three several times and passed a bill which originated in their House, entitled an act making appropriations for ther year 1831 : in which they desire the concurrence of the Senate.

Ordered, that the bill entitled an act to incorporate the town of Waverly in the county of Pickens, and the town of Fayetteville in the county of Fayette, together with the amendments made thereto by the House of Representatives, lie on the table.

Ordered, that the Senate concur in the amendments made by the House of Representatives to the bill entitled an act to manumit and set free a certain slave therein named, and for other purposes. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Hogan moved that the Senate insist on their amendment to the bill entitled an act to discontinue and establish certain election precincts therein

specified, by striking out that part of the bill establishing precincts at Jesse Lot's and Madame Alvarez's in Mobile county; which was carried. Yeas 13—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Bridges, Conner, Crawford, Edmondson, Garth, Hogan, Hubbard, Merriwether, Pickett, Powell, Smith and Vining*.—Those who voted in the negative are, messrs *Abercrombie, Anderson, Hemphill, Jackson, Morton and Walthall*.

Ordered, that the Senate recede from their amendment to the 3d section of the bill. *Ordered* that they insist on their amendment by adding section No. 9 to the bill. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives recede from their disagreement to the amendment made by the Senate to the bill entitled an act permanently to fix the seat of justice in the county of Clarke, and for other purposes. They have read a first time and indefinitely postponed a bill which originated in the Senate, entitled an act to prescribe the mode of taking testimony in causes depending in chancery courts of this State in certain cases.

Mr Hubbard offered the following resolution: *Resolved*, that with the concurrence of the House of Representatives, the two Houses will assemble in the Representative Hall at the hour of three o'clock this day for the purpose of electing a President and twelve Directors of the Bank of the State of Alabama, for the present year. Mr Bridges moved to strike out 3 o'clock and insert half past 6; which was carried. Mr Powell moved to strike out *this day*, and insert *to-morrow*; which was lost. Yeas 9—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Crawford, Garth, Hogan, Merriwether, Perry, Pickett, Powell, Smith and Vining*.—Those who voted in the negative are, messrs *President, Abercrombie, Anderson, Bridges, Conner, Edmondson, Hemphill, Hubbard, Jackson and Walthall*.

Mr Hogan moved that the Senate adjourn till 3 o'clock this evening; which was carried. Yeas 11—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Conner, Crawford, Garth, Hogan, Merriwether, Perry, Pickett, Powell, Smith and Vining*.—Those who voted in the negative are, messrs *Abercrombie, Anderson, Bridges, Edmondson, Hemphill, Hubbard, Jackson, and Walthall*.

And the Senate accordingly adjourned.

Evening Session.—The Senate resumed the consideration of the resolution offered by mr Hubbard, proposing, with the concurrence of the House of Representatives, to go into the election of President and Directors of the Bank of the State of Alabama this evening. The question was put on the adoption of the resolution, and carried. Yeas 11—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Abercrombie, Anderson, Bridges, Dupuy, Edmondson, Hemphill, Hubbard, Irwin, Jackson and Walthall*.—Those who voted in the negative are, messrs *Conner, Crawford, Hogan, Merriwether, Powell, Smith and Vining*.

Mr Jackson presented the account of Washington Moody against the State; which was referred to the committee on accounts and claims.

Mr Anderson called up the bill to be entitled an act to incorporate the town of Waverly, in Pickens county, and Fayetteville, in the county of Fayette. Mr Anderson moved that the Senate disagree to the amendment made by the House of Representatives to the bill by striking out the name of Waverly and inserting Pickensville; which was carried. Yeas 17, Nay 1.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Abercrombie, Anderson, Conner, Dupuy, Edmondson, Hemphill, Hubbard, Irwin, Jackson, Merriwether, Perry, Pickett, Powell, Smith, Vining and Walthall*.—mr Hogan, voted in the negative.

Ordered, that the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have read three several times and passed bills which originated in the Senate, entitled an act to compensate Henry Tuttle for apprehending a horse thief; and, an act prescribing the mode of payment of persons who mark and lay out State roads. The latter bill they have amended as herewith shewn: in which they ask the concurrence of the Senate.

Mr Bridges moved to amend the the amendment made by the House of Representatives to the last mentioned bill, so as to make the appropriation out of the interest of the three percent fund; which was carried. Mr Hogan moved further to amend the amendment by striking therefrom the proviso; which provides that the commissioners shall not be paid for more than ten days service; which was lost. Yeas 5—Nays 16.

The yeas and nays being desired, those who voted in the affirmative are, messrs Crawford, Hogan, Irwin, Merriwether and Smith.—Those who voted in the negative are, messrs President, Abercrombie, Anderson, Bridges, Conner, Dupuy, Edmondson, Garth, Hemphill, Hubbard, Morton, Perry, Pickett, Powell Vining and Walthall.

The amendments as amended were then concurred in. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

The Senate resumed the consideration of the address to the Governor, requesting the removal of Charles W. Peters from the office of judge of the county court of Morgan county. The question was put, Shall the address and resolution be adopted? and determined in the negative. Yeas 14—Nays 8; a majority of two thirds being necessary.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Bridges, Crawford, Dupuy, Hemphill, Hogan, Hubbard, Jackson, Merriwether, Perry, Pickett, Powell, Smith and Walthall.—Those who voted in the negative are, messrs Abercrombie, Anderson, Conner, Edmondson, Garth, Irwin, Morton, and Vining.

Mr Morton moved that the bill entitled an act to compensate George M. Taylor for expenses incurred in the prosecution of David M. Smithson, charged with murder, be taken up; which was carried. Yeas 17, Nays 3.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Abercrombie, Anderson, Conner, Crawford, Dupuy, Edmondson, Hemphill, Hogan, Hubbard, Irwin, Merriwether, Morton, Perry, Powell, Smith and Vining.—Those who voted in the negative are, messrs Jackson, Pickett and Walthall.

Mr Morton moved that the bill be read the third time forthwith; which was carried. Yeas 16—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Abercrombie, Anderson, Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hubbard, Irwin, Morton, Perry, Powell, Smith and Vining.—Those who voted in the negative are, messrs Bridges, Hogan, Jackson, Merriwether, Pickett and Walthall.

The bill was then read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act altering the boundary line between the counties of Bibb and Tuscaloosa, was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time. Mr Powell offered the following amendment to the bill: "Provided, that in the dividing line thus to be run, the following persons only, to wit: Edward Calvert, Grief Ragsdale, Benjamin Hubbert, John A. Bagby, Robert Hill, Hamilton Ryle, and James Hill, at their president residences, or

as many of them as can be so included, without taking any others, shall by this act be taken from the county of Tuscaloosa, and be added to the county of Bibb; and that the lines hereby designated shall be made to conform thereto;" which was adopted. The rule being further dispensed with, the bill was read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to attach a part of Wilcox county to the county of Clarke, was read the first time: and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time and ordered to a third reading to-morrow.

Mr Hubbard, from the special committee to which was referred a preamble and resolution on the subject of the tariff, and also joint resolutions expressive of the opinion of the General Assembly of the State of Alabama in reference to certain subjects therein mentioned, reported the same without amendment. Mr Hubbard offered a substitute for the resolutions; which was read and ordered, together with the original, resolutions to lie on the table till to-morrow.

A bill to be entitled an act to emancipate certain slaves therein named, was read the first time and ordered to a second reading to-morrow.

A bill to be entitled an act to repeal an act to authorize the judge of the county court and commissioners of roads and revenue of Fayette county to levy a special tax, was read: and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to provide for the payment of petit jurors in the county court of Pike county, was read the first time and ordered to a second reading to-morrow.

A bill to be entitled an act making appropriations for the year 1831, was read: and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A message from the Governor by Mr Thornton: Mr President—The Governor did, on the 10th instant, approve and sign the following bills: an act to change the name of a certain person therein named; an act more effectually to secure trials in capital cases by impartial jurors: and on the 12th instant, an act in relation to the organization of militia companies in the county of Walker; an act to appoint an additional surveyor for the counties of Lawrence and Lauderdale; and, joint resolution providing for the distribution of the laws of the United States: all of which originated in the Senate.

A bill to be entitled an act to incorporate Ashville Academy, in St Clair county, was read: and the rule requiring bill to be read an three several days being dispensed with, the bill was read the second and third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to regulate the rates of wharfage in the city of Mobile, was read the first time and laid on the table till to-morrow.

Joint resolution making it the duty of James Rather to take charge of the furniture belonging to both Houses of the General Assembly, was read the second time and referred to a special committee consisting of messrs Powell, Perry and Jackson.

And then the Senate adjourned till 10 o'clock to-morrow morning.

Friday, Jan. 14, 1831.—The Senate met pursuant to adjournment.

Mr Powell, from the joint committee on enrolled bills, reported as correctly enrolled, an act to make an appropriation therein named; an act making it the duty of the proper officers of those counties in which any business is pending which properly belongs to the county of Lowndes to transfer the same to said county; and, an act to compensate George M. Taylor for expenses incurred in the prosecution of David M. Smithson, charged with murder: all of which were accordingly signed by mr President.

Mr Perry, from the committee on the judiciary to which was referred a bill to be entitled an act to abolish county courts and establish a court of probate, reported the same without amendment. *Ordered*, that the bill lie on the table.

Mr Powell, from the special committee to which was referred the joint resolution providing for the preservation of the furniture of the General Assembly, reported the same as amended; which was concurred in. The resolution was then read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives did on yesterday concur in the resolution adopted by the Senate, proposing that the two Houses shall assemble in the Representative Hall at the hour of half past 6 o'clock P. M. this day, for the purpose of electing a President and twelve Directors for the Bank of the State of Alabama for the next year, and have amended the same by striking out the words *this day*, and inserting in lie thereof the word *to-morrow*, so as to go into the election this day at half past 6 o'clock P. M.

Ordered, that the Senate concur in the amendment made by the House of Representatives to the resolution mentioned in the above message. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have read three several times and passed bills which originated in their House, entitled an act for the payment of certain claims therein specified; and, an act changing the lines between the counties of Shelby, Jefferson and St Clair: in which they desire the concurrence of the Senate.

A bill to be entitled an act changing the lines between the counties of Shelby, Jefferson and St Clair, was read: and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time forthwith and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act for the payment of certain claims therein specified, was read: and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time and committed to the committee on accounts and claims.

Mr Perry introduced a bill to be entitled an act to authorize William R. Pickett to emancipate a certain slave therein named; which was read: and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time and amended on mr Morton's motion. Mr Hemphill offered the following amendment to the bill: "Provided the owner or owners give bond and security to the judge of their respective county courts, that they shall be removed out of this State in twelve months after the liberation; which was rejected. Yeas 7—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Anderson, Edmondson, Garth, Hemphill, Hogan, Hubbard and Irwin*.—Those who voted in the negative are, messrs *President, Bridges, Conner Crawford, Morton, Perry, Pickett, Smith, Vining and Walthall*.

The rule requiring bills to be read on three several days being further dispensed with, the bill was read the third time and passed. *Ordered*, that the title be as aforesaid and that it be sent to the House of Representatives for their concurrence.

Mr Bridges, from the special committee to which was referred a resolution of the Senate instructing them to inquire into the constitutionality and expediency of regulating by law the rates of wharfrage in the city of Mobile, asked to be discharged from the further consideration thereof; which was agreed to.

Mr Hogan, from the joint committee elected to examine into the State and condition of the Bank of the State of Alabama, submitted the following report :

The joint committee appointed to examine into the state and condition of the Bank, have had under consideration a resolution instructing them to inquire into, and report to both Houses, any information in their possession, relative to errors committed by any of the officers of the Bank; noting particularly when and by whom committed, and whether the same has been rectified; and if so, in what manner; beg leave to report, that in obedience to your instruction, they have collected the accompanying documents from the Bank, which contain all the information necessary to a full elucidation of the subject; and have only to add, that there is nothing in their opinion which goes to reflect on the character of the institution, commenced as it was by inexperienced officers, as well as a Board of Directors, none of whom were ever intimate with the duties there assigned them. In those mistakes no injury has been sustained by the Bank. All of which is respectfully submitted. Signed, J. B. HOGAN, *Chairman on the part of the Senate.*

Ordered, that the report lie on the table.

A message from the House of Representatives by Mr Van Dyke : Mr President—The House of Representatives have read three several times and passed bills, which originated in their House, entitled an act to add the residue of the 14th township, 12th range, west of the basis meridian of Huntsville, from the county of Marion to the county of Fayette; an act divorcing certain persons therein named; and, an act to repeal an act to establish a board of internal improvement for the State of Alabama, passed January 15, 1830: in all of which they desire the concurrence of the Senate. They have also read three several times and passed bills which originated in the Senate, entitled an act to divorce Eliza Boalt from Lewis Boalt; an act to change the time of holding the county courts of the county of Dallas; and, an act for the relief of Philomon Waters, Robert M. Hails and John S. Bailey. The latter bill they have amended as herewith shewn: in which they request the concurrence of the Senate. The House of Representatives recede from their disagreement to the amendment made by the Senate to the bill entitled an act permanently to fix the seat of justice of Clarke county, and for other purposes. They disagree to the amendment made by the Senate to the bill entitled an act to prohibit the clerks of circuit and county courts of Tuscaloosa county from taxing in the bill of costs a county tax on judgements rendered in favor of the Bank of the State of Alabama. They adhere to their disagreement to the amendment made by the Senate to the bill entitled an act to discontinue and establish certain election precincts therein specified, striking out precincts at Jesse Lot's and Madame Alvarez's and recede from their disagreement to the amendment adding the 9th section to said bill. They insist on their amendment to the bill entitled an act to incorporate the town of Waverly, in Pickens county, and Fayetteville, in the county of Fayette, by striking out Waverly and inserting Pickinsville, and have appointed messrs Kilpatrick, McCollum and Hudson a committee of conference on their part. They disagree to the

amendment made by the Senate to the amendment to the bill entitled an act prescribing the mode of payment of persons who mark and lay out State roads, and have appointed messrs Mobley, Lawler and Metcalfe a committee of conference on their part. The House of Representatives have read three several times and passed a bill which originated in the Senate, entitled an act authorizing the alteration of a road therein named, and have amended the same as herewith shewn: in which they request the concurrence of the Senate. They have also passed a bill which originated in their house entitled an act to authorize William M. Marr to open and keep in repair a certain road therein mentioned: in which they request the concurrence of the Senate.

Ordered, that the Senate insist on their disagreement to the amendment made by the House of Representatives to the bill entitled an act to incorporate the town of Waverley, in the county of Pickens, and the town of Fayetteville, in the county of Fayette, and that a committee of conference be appointed on the part of the Senate: whereupon, messrs Jackson, Anderson and Morton were appointed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Anderson, from the committee of conference appointed on the above mentioned bill, reported that the committee have agreed to strike out the word *Waverley* wherever it occurs in the bill, and insert in lieu thereof, the word *Carrollton*, and add to the end of the title the words *and for other purposes*; which was concurred in. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A message from the Governor by mr Thornton:

January 13th, 1831.

Mr President—I am requested by the Governor to inform your honorable body that he did, on the 13th instant approve and sign the following bills: An act to emancipate a certain slave therein named; an act in part to amend an act entitled an act to revive, consolidate and amend the several acts relative to the militia of this State, passed December 31, 1822; an act to alter and amend an act entitled an act to incorporate the stockholders and subscribers to the newly invented marine railway in the city of Mobile, under the patent granted by the authority of the United States to Daniel Rogers, the original inventor; an act to change the name of Henrietta Amanda Caldwell to Henrietta Amanda Huber; and, an act to amend an act in relation to capital crimes committed by slaves and free persons of color: all of which originated in the Senate.

The question was put on concurring in the amendment made by the House of Representatives to the bill entitled an act for the releif of Philoman Waters, Robert M. Hails and John S. Bailey, and decided in the negative. Yeas none—Nays 20.

Those who voted in opposition to the concurrence are, messrs *President, Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Edmondson, Hemphill, Hubbard Irwin, Jackson, Merriwoether, Perry, Pickett, Powell, Smith, Vining and Walhall.*

Ordered, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to authorize William M. Marr to open and keep in repair a certain road therein mentioned, was read the first time: and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time, and amended on mr Powell's motion. Mr Powell moved that the bill lie on the table till Monday next; which was lost. Yeas 5—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are, messrs

President, Abercrombie, Hemphill, Merriwether and Perry.—Those who voted in the negative are, messrs *Anderson, Connor, Crawford, Dupuy, Edmondson, Garth, Hogan, Hubbard, Irwin, Powell, Smith, Vining and Walthall.*

The rule being further dispensed with, the bill was read the third time as amended, and passed.

Ordered, that the Senate concur in the amendments made by the House of Representatives to the bill entitled an act authorizing the alteration of a road therein named. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Ordered, that the Senate insist on their amendment to the bill entitled an act prescribing the mode of payment of persons who mark and lay out State roads, and that a committee of conference be appointed thereon: whereupon, messrs *Smith, Crawford and Bridges* were appointed the committee. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr *Bridges*, from the committee of conference appointed by the two Houses on the disagreement in relation to the amendments made by the House of Representatives to the bill entitled an act to extend the jurisdiction of the State of Alabama throughout the chartered limits of the State, submitted the following report :

The joint committee appointed by the two Houses, to which was referred the subject of disagreement between the two Houses, on the bill entitled an act to extend the jurisdiction of the State of Alabama throughout the chartered limits of the State, and for other purpos, have according to order had the subject under consideration, and have agreed to the following report: The committee recommend to the House of Representatives to recede from all the amendments made by the House to the bill from the Senate. They have amended the bill from the Senate by striking out the word *June*, where it occurs in the 2d section of the bill, and inserting in lieu thereof, the word *August*. They have further amended the bill in the 2d section by striking out all from the word *such*, where it occurs in the 2d line to the word *prescribe*, in the 3d line inclusive; and substituted in lieu thereof, the following: "all laws now in force in this State, and such as the Legislature may from time to time enact." They have also amended the bill by six additional sections, which are herewith submitted. They have further amended the bill by striking out the title of the original bill, and substituting the following: A bill to be entitled an act to establish the county of Cherokee, and for other purposes. In all of which amendments they ask the concurrence of the Senate. The 1st, 2d and 3d sections of the bill herewith submitted, is a correct copy of the original bill from the Senate, as amended by the committee.

Ordered, that the report lie on the table.

On motion of mr *Hogan*: *Ordered*; that the Senate recede from the amendment to the bill entitled an act to discontinue and establish certain election precincts therein specified, by striking out the precincts at *Madame Alvarez's* and *Jesse Lot's* in *Mobile county*. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

On motion of mr *Powell*: *Ordered*, that the Senate insist on their amendment to the bill entitled an act to prohibit the clerks of the circuit and county courts of *Tuscaloosa* from taxing in the bill of costs a county tax on judgements in favor of the Bank of the State of Alabama. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to repeal an act entitled an act to establish a board of internal improvement for the State of Alabama, was read the first time. Mr *Perry* moved that the bill lie on the table till Monday next; which was carried.

A bill to be entitled an act to add the residue of the 14th township, twelfth range, west of the basis meridian of *Huntsville*, from the county of

Marion to the county of Fayette, was read : and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time forthwith and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

And then the Senate adjourned till 3 o'clock this evening.

Three o'clock, P. M.—The Senate met pursuant to adjournment.

Mr Powell, from the joint committee on enrolled bills, reported as correctly enrolled, an act extending relief to Daniel Davis, Meridith Moses and E. W. Thomas ; joint resolution to authorize the Secretary of State to procure books and stationary for the use of the State Departments and General Assembly ; an act to compensate Henry Tuttle for apprehending a horse thief ; an act to repeal in part an act therein named ; an act to change the line between the counties of Montgomery and Shelby ; an act to manumit and set free certain slaves therein named, and for other purposes ; an act for the relief of the city troop commanded by Capt James Tayler, of the city of Mobile ; an act for the relief of the fire engine company No. 2, of the city of Mobile ; an act to provide the means for building a jail for the county of Tuscaloosa ; an act to alter and amend an act entitled an act to incorporate the town of Vernon, in the county of Autauga ; and an act to change the time of holding the county courts in the county of Dallas : all of which were accordingly signed by mr President.

A message from the House of Representatives by mr Van Dyke ; Mr President—The House of Representatives have read three several times and passed bills which originated in their House, entitled an act making appropriations for the payment of certain claims against the State ; and, an act to authorize Randal Jackson, guardian of Randal Beasley, to sell a certain slave therein named : in which they desire the concurrence of the Senate. They have concurred in the amendments made by the Senate to the bill entitled an act altering the boundary line between the counties of Bibb and Tuscaloosa. They have read three several times and passed a bill which originated in the Senate, entitled an act to emancipate a certain slave therein named. They have also passed a joint resolution which originated in the Senate, and have amended the same by adding a title : in which they ask the concurrence of the Senate. They have also passed a joint resolution which originated in the Senate, making it the duty of the Secretary of State to distribute to each regiment the abstracts of infantry tactics now in his office, and have amended the same by striking out all after the word *convened*, and inserting the substitute herewith shewn : in which they desire the concurrence of the Senate.

The report of the committee of conference on the amendments made the House of Representatives to the bill entitled an act to extend the jurisdiction of the State of Alabama throughout the chartered limits of the State, submitting as a substitute for the original bill ; a bill entitled an act to establish the county of Cherokee, and for other purposes, was taken up ; the report of the committee was concurred in, and the substitute submitted by the committee, adopted. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Ordered, that the Senate concur in the amendments made by the House of Representatives to the joint resolution making it the duty of the Secretary of State to distribute to each regiment the abstract of infantry tactics now in his office. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to authorize Randal Jackson, guardian of Randal Beasley, to sell a certain slave therein named, was read : and the rule

requiring bills to be read on three several days being dispensed with, the bill was read the second and third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Abercrombie introduced a bill to be entitled an act to emancipate certain slaves therein named; which was read: and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time forthwith, and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Ordered, that the Senate concur in the amendment made by the House of Representatives to the joint resolution providing for the preservation of the furniture belonging to both Houses of the General Assembly. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act making appropriations for the payment of certain claims against the State, was read: and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time. Mr Hubbard moved to strike out *twenty three dollars*, the allowance to John Greggs, sheriff of Lawrence county, and to insert *eighty-five dollars and eighty cents*; which was carried. Yeas 12—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Abercrombie, Anderson, Bridges, Crawford, Hemphill, Hogan, Hubbard, Irwin, Morton, Perry and Smith.---Those who voted in the negative are, messrs Conner, Edmondson, Merriwether, Pickett, Powell, Vining and Walball.

Mr Irwin offered the following amendment to the bill: *And be it further enacted*, that the sum of twenty-five dollars be, and the same is hereby appropriated for the payment of John Hillion, constable for keeping in custody William Robinson, and Burwell Johnson, State prisoners, apprehended for horse stealing; which was rejected. Yeas 7—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie, Anderson, Conner, Hubbard, Irwin, Jackson and Perry.---Those who voted in the negative are, messrs President, Bridges, Crawford, Hemphill, Merriwether, Morton, Powell, Smith Vining and Walball.

Mr Merriwether offered an amendment to the bill, providing for the payment of sundry accounts referred to the committee on accounts and claims; which was adopted. Mr Morton moved that the bill be committed to the committee on accounts and claims; which was lost. Mr Hubbard moved further to amend the bill by striking out *fifty dollars*, the amount allowed to Robert C. Handley for apprehending and prosecuting to conviction a horse thief, and to insert \$97 50; which was carried. Yeas 12—Nay 7.

The yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie, Bridges, Conner, Hogan, Hubbard, Irwin, Jackson, Morton, Perry, Pickett, Smith and Vining---Those who voted in the negative are, Messrs President, Crawford, Edmonson, Hemphill, Merriwether, Powell and Walball.

Mr Hubbard offered the following amendment to the bill: *Be it further enacted*, that the following sums be, and the same are hereby appropriated out of the proceeds of the sales of land granted to the State of Alabama for improving the navigation of the Tennessee river, to wit; to Benjamin Bradford and Jack Shackelford, register and receiver of the land office, for stationary furnished, sixty-nine dollars and forty-eight cents. Allowance for house rent one hundred dollars. To Philip Woodson, jr., Editor of the Democrat, for printing Blanks for the register and receiver at Courtland, one hundred and forty-one dollars. To Willie Conner, Editor of the Courtland Herald, for printing Blanks for the said office, sixty-two dollars and fifty cents; all of which sums shall be paid on the warrant of the Comptroller out of said fund; which was rejected. Yeas 9—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Abercrombie, Crawford, Hogan, Hubbard, Irwin, Morton, Perry, Pick-

etl.—Those who voted in the negative are, messrs *Bridges, Conner, Edmondson, Hemphill, Jackson, Merriwether, Powell, Smith, Vining and Walthall.*

Mr Pickett offered the following amendment to the bill: *And be it further enacted*, that the sum of twenty-five dollars be, and the same is hereby appropriated as compensation to John Smith for apprehending Peter Plunket and prosecuting him to conviction for horse stealing; which was rejected.

Mr Smith moved that the bill be committed to the committee on accounts and claims; which was lost. Yeas 9—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Anderson, Conner, Crawford, Edmondson, Hemphill, Jackson, Morton, Powell, and Smith.*—Those who voted in the negative are, messrs *President, Abercrombie, Bridges, Hubbard, Irwin, Merriwether, Perry, Hogan, Pickett, Vining and Walthall.*

Ordered, that the bill be made the special order of the day for a third reading to-morrow.

Mr Morton gave notice that he would on to-morrow move to rescind the rule of the Senate, which provides that a bill once rejected, another containing the same matter shall not be introduced again during the session.

Mr Abercrombie introduced a bill to be entitled an act authorizing the administrators of the estate of William Bonnell, deceased, late of Lowndes county to make titles to certain lands therein named; which was read: and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time forthwith, and passed. *Ordered*, that it be sent to the House of Representatives for their concurrence.

And then the Senate adjourned till half past 6 o'clock this evening.

Half past six o'clock, 14th January, 1831.—The Senate met pursuant to adjournment.

Mr Smith, from the committee on privileges and elections, submitted the following report:

The Committee on Privileges and Elections have examined the credentials of those members of the Senate whose elections took place in August last, and ask leave respectfully to report—

That they find returned as having been duly elected, by the certificates of the Sheriffs from their respective Senatorial Districts, the following members, to wit.: from the county of Madison, John Vining; from the county of Limestone, William Edmondson; from the counties of Jefferson and Walker, John M. Dupuy; from the county of Montgomery, James Abercrombie; from the county of Perry, Richard B. Walthall; from the counties of Wilcox and Marengo, John W. Bridges; from the counties of Conecuh and Butler, William Hemphill; and from the counties of Monroe and Clarke, Neal Smith: and that they conceive that all the Senators from their respective Senatorial Districts, as above named, have been duly elected to serve as Senators for the State of Alabama for the ensuing three years, from and after the day of their last election. NEAL SMITH, *Chairman.*

Which report was concurred in.

A bill to be entitled, an act to emancipate certain slaves therein named, was read the third time and passed. Yeas 8—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, messrs *President, Bridges, Hogan, Perry, Powell, Smith, Vining and Walthall.*—Those who voted in the negative are, messrs *Anderson, Crawford, Edmondson, Hemphill, Hubbard, Jackson and Merriwether.*

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have adopted the following resolution: *Resolved*, that the Senate be now invited to assemble in the Representative Hall, for the purpose of electing a President and twelve Directors of the Bank of the State of Alabama, for the present year.

Whereupon, the members of the Senate repaired to the Hall of the House of

Representatives, and having taken the seats assigned them, Mr President arose and announced the object of the meeting, when the two Houses proceeded to elect a President of the Bank of the State of Alabama for the present year. John L. Tindall alone being in nomination: for Mr. Tindall 83 votes.

Those who voted for Mr Tindall are, Messrs President, Abercrombie, Anderson, Bridges, Conner, Crawford, Edmondson, Garth, Hemphill Hogan, Hubbard, Jackson, Merriwether, Perry Pickett, Powell, Smith, Vining, Walthall.—Reps. Messrs Speaker, Acklen, Baker, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Clough, Collins, Coopwood, Cunningham, Dubose, Dillahunty, Dillett, Durand, Everett, Faulk, Gayle George, Gilbreath, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of J, King of M. King of P. Lane, Langford, Lawler, Lea, Mardis, Massey, M'Collum, M'Vay, Metcalfe, Mobley, Moore of M. Moore of W. Murphree, Musgrove, Philpot, Rather, Riddle, Richardson, Ross, Rugely, Sanders, Shortridge, Stevens, Taylor, Townsend, Walker, Ward, Williams and Young.

John L. Tindall having received all the votes present, was declared by Mr Speaker to be duly elected President of the Bank of the State of Alabama, for the present year.

The two Houses then proceeded to the election of twelve Directors of the Bank of the State of Alabama for the present year. John O. Cummins, Charles Lewin, Frederick C. Ellis, Peter Donaldson, Benjamin B. Fontaine, William R. Colgin, John H. Sommerville, Samuel B. Ewing, Gilbert Saltonstall, Henry A. Snow, Constantine Perkins, Thomas Owen, Thomas R. Bolling, James H. Dearing, James Guild, William G. Parish, H. M. Andrews, Charles S. Pattison, and Erasmus Walker being in nomination, the votes stood thus: for Mr Cummins 58; mr Lewin 74; mr Donaldson 27; mr Fontaine 41; mr Colgin 60; mr Sommerville 78; mr Ewing 78; mr Saltonstall 60; mr Snow 53; mr Perkins 61; mr Owen 24; mr Bolling 72; mr Dearing 37; mr Guild 54; mr Parish 67; mr Andrews 56; mr Pattison 53; mr Walker 32; mr Ellis 69.

Those who voted for Mr Cummins are, Messrs Abercrombie, Anderson, Crawford, Edmondson, Hemphill, Hubbard, Irwin, Jackson, Merriwether, Perry, Pickett, Powell, Vining, Walthall.—Reps. Barclay, Boyd, Clark, Clough, Collins, Coopwood, Cunningham, Dubose, Dillahunty, Dillett, Everett, Faulk, Gayle, George, Hall, Harris, Herbert Hogan, Kilpatrick, King of J. King of M. King of P. Lane, Langford, Lawler, Mobley, Murphree, Musgrove, Oliver, Philpot, Rather, Riddle, Richardson, Ross, Rugely, Sanders, Shortridge, Stevens, Taylor, Townsend, Walker, Ward, Williams and Young.

Those who voted for Mr Lewin are, Messrs Abercrombie, Bridges, Conner, Dupuy, Edmondson, Garth, Hemphill, Hogan, Hubbard, Irwin, Jackson, Morton, Perry, Pickett, Smith, Walthall.—Reps. Baker, Barclay, Boyd, Brodnax, Brown, Clark, Clough, Collins, Coopwood, Cunningham, Dubose, Dillahunty, Dillett, Durand, Everett, Faulk, Gayle, George, Gilbreath, Hall, Harris, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of J. King of M. King of P. Langford, Lawler, Lea, Mardis, Massey, M'Collum, M'Vay, Metcalfe, Mobley, Moore of W. Murphree, Musgrove, Oliver, Philpot, Rather, Riddle, Richardson, Ross, Rugeley, Sanders, Shortridge, Stevens, Townsend, Walker, Ward and Williams.

Those who voted for Mr Ellis are, Messrs President, Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hogan, Hubbard, Irwin, Jackson, Perry, Pickett, Smith,—Reps. Acklen, Baker, Barclay, Boyd, Brown, Chiles, Clark, Clough, Coopwood, Cunningham, Dubose, Dillahunty, Durand, Everett, Faulk, Gayle, George, Gilbreath, Hall, Herbert, Hickman, Hodges, Hogan, Horton, Hudson, Jackson, Kilpatrick, King of M. King of P. Lane, Langford, Lea, Massey, M'Collum, M'Vay, Metcalfe, Moore of W. Murphree, Musgrove, Oliver, Riddle, Richardson, Ross, Rugely, Sanders, Shortridge, Stevens, Taylor, Townsend, Walker, Ward and Williams.

Those who voted for Mr Donaldson are, Messrs President, Morton, Pickett, Smith, Vining.—Reps. Messrs Barclay, Boyd, Brown, Clark, Clough, Collins, Cunningham, Durand, Faulk, George, Gilbreath, Horton, Hudson, Kilpatrick, King of P. M'Vay, Metcalfe, Shortridge, Stevens, Walker and Williams.

Those who voted for Mr Fontaine are, Messrs Abercrombie, Anderson, Bridges, Conner, Dupuy, Edmondson, Garth, Irwin, Jackson, Merriwether, Morton, Powell, Vining, Walthall.—Reps. Messrs Speaker, Baker, Brodnax, Chiles, Collins, Cunningham, Dillett, Everett, Harris, Hogg, Jackson, King of J. Lane, Lawler, Mardis, Massey, M'Vay, Metcalfe, Mobley, Moore of M. Moore of W. Musgrove, Philpot, Rather, Taylor, Townsend and Young.

Those who voted for Mr Colgin, are, Messrs President, Abercrombie, Anderson, Conner, Edmondson, Garth, Hemphill, Hogan, Hubbard, Jackson, Merriwether, Morton, Pickett, Powell, Vining, Walthall.—Reps. Messrs Speaker, Acklen, Baker, Brodnax, Chiles, Collins, Dubose, Dillahunty, Dillett, Durand, Everett, Gayle, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, King of J. Lane, Langford, Lawler, Lea, Mardis, Massey, Mobley, Moore of M. Murphree, Musgrove, Philpott, Rather, Riddle, Richardson, Ross, Rugely, Sanders, Townsend, Ward, Williams and Young.

Those who voted for Mr Sommerville are, Mr President, Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hogan, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Pickett, Powell, Smith, Walthall.—Reps. Mr Speaker, Acklen, Baker, Barclay, Boyd, Brodnax, Chiles, Clark, Clough, Coopwood, Dubose, Dillahunty, Dillett, Durand, Everett, Faulk, Gayle, George, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Horton, Hudson, Jackson, Kilpatrick, King of J. King of M. King of P. Lane, Langford, Lawler, Lea, Mardis, Massey, M'Collum, Mobley, Moore of M. Moore of W. Murphree, Musgrove, Oliver, Philpott, Rather, Richardson, Ross, Rugely, Sanders, Shortridge, Stevens, Taylor, Townsend, Walker, Ward and Young.

Those who voted for Mr Ewing are, Mr President, Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hogan, Hubbard, Irwin, Jackson, Morton, Perry, Pickett, Smith, Vining, Walthall.—Reps.—Messrs Acklen, Baker, Barclay, Boyd, Brodnax, Brown, Clark, Clough, Collins, Coopwood, Cunningham, Dubose, Dillahunty, Dillett, Durand, Everett, Faulk, Gayle, George, Gilbreath, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Kilpatrick, King of M. King of P. Lane, Langford, Lea, Mardis, Massey, M'Collum, M'Vay, Metcalfe, Moore of M. Moore of W. Murphree, Musgrove, Oliver, Philpott, Riddle, Richardson, Ross, Rugely, Sanders, Shortridge, Stevens, Taylor, Townsend, Walker, Ward and Williams.

Those who voted for Mr Saltonstall are, Messrs Abercrombie, Anderson, Bridges, Conner, Garth, Hemphill, Hubbard, Irwin, Jackson, Morton, Perry, Powell, Smith, Vining, Walthall.—Reps. Mr Speaker, Acklen, Baker, Barclay, Brodnax, Brown, Chiles, Coopwood, Cunningham, Dubose, Dillett, Durand, Everett, Harris, Herbert, Hickman, Hodges, Hogan, Horton, Hudson, Jackson, King of J. Lane, Langford, Lawler, Mardis, Massey, M'Collum, M'Vay, Metcalfe, Mobley, Moore of M. Moore of W. Murphree, Oliver, Rather, Riddle, Richardson, Ross, Rugely, Sanders, Taylor, Townsend, Walker and Young.

Those who voted for Mr Snow are, Mr President, Anderson, Conner, Crawford, Dupuy, Hemphill, Hogan, Irwin, Merriwether, Morton, Perry, Pickett, Powell, Walthall.—Reps. Mr Speaker, Acklen, Baker, Brodnax, Brown, Chiles, Collins, Dillett, Durand, Everett, Harris, Herbert, Hickman, Hogg, Hudson, Jackson, King of J. King of M. Lane, Langford, Lawler, Mardis, M'Collum, M'Vay, Metcalfe, Mobley, Moore of M. Moore of W. Murphree, Oliver, Philpott, Rather, Richardson, Ross, Sanders, Taylor, Walker, Ward and Young.

Those who voted for Mr Perkins are, Mr President, Anderson, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hogan, Irwin, Merriwether, Perry, Powell, Smith, Vining, Walthall.—Reps. Mr Speaker, Acklen, Baker, Barclay, Brodnax, Chiles, Dillett, Durand, Everett, Gayle, George, Gilbreath, Harris, Herbert, Hickman, Hodges, Hogg, Jackson, Kilpatrick, King of J. Lane, Langford, Lawler, Lea, Mardis, Massey, M'Collum, M'Vay, Metcalfe, Mobley, Moore of M. Moore of W. Murphree, Musgrove, Philpott, Rather, Riddle, Richardson, Ross, Rugely, Taylor, Townsend, Walker, Williams and Young.

Those who voted for Mr Owen are, Messrs Anderson, Garth, Irwin, Merriwether, Morton, Powell, Vining, Walthall.—Reps. Mr Speaker, Brodnax, Chiles, Dillett, Harris, Hogg, King of J. Lane, Lawler, Mardis, Massey, M'Vay, Mobley, Moore of M. Williams and Young.

Those who voted for Mr Belling are, Mr President, Abercrombie, Anderson, Bridges, Conner, Crawford, Dupuy, Edmondson, Garth, Hemphill, Hubbard, Jackson, Merriwether, Perry, Pickett, Vining, Walthall.—Reps. Mr Speaker, Acklen, Baker, Barclay, Boyd, Brodnax, Brown, Chiles, Clark, Clough, Collins, Coopwood, Cunningham, Dillahunty, Dillett, Durand, Everett, Faulk, Gayle, George, Gilbreath, Hall, Harris, Herbert, Hickman, Hodges, Hogan, Hogg, Horton, Hudson, Kilpatrick, King of M. King of P. Lane, Lawler, Lea, Mardis, Massey, M'Collum, Metcalfe, Mobley, Moore of M. Moore of W. Musgrove, Oliver, Philpott, Riddle, Richardson, Ross, Rugely, Sanders, Shortridge, Stevens, Taylor and Ward.

Those who voted for Mr Dearing are, Messrs Bridges, Conner, Crawford, Garth, Hogan, Merriwether, Powell, Smith, Vining, Walthall.—Reps. Mr Speaker, Ack-

len, Barclay, Brodnax, Brown, Chiles, Collins, Dillett, Durand, Gilbreath, Harris, Hickman, Hogg, Jackson, Kilpatrick, King of J. King of M. Mardis, Massey, Mobley, Moore of M. Oliver, Rather, Riddle, Sanders, Williams, Young.

Those who voted for Mr Guild are, Mr President, Abercrombie, Anderson, Bridges, Crawford, Dupuy, Hogan, Merriwether, Morton, Pickett, Powell, Smith, Vining.—Reps. Mr Speaker, Baker, Boyd, Brodnax, Brown, Clark, Clough, Collins, Coopwood, Cunningham, Dubose, Dillahunt, Faulk, Gayle, George, Gilbreath, Hall, Hodges, Hogg, Horton, Hudson, Kilpatrick, King of M. King of P. Langford, Lawler, Lea, Mardis, M'Collum, M'Vay, Metcalfe, Mobley, Moore of W. Oliver, Richardson, Rugely, Ross, Shortridge, Stevens, Williams, Young.

Those who voted for Mr Parish are, Mr President, Abercrombie, Bridges, Conner, Crawford, Edmondson, Garth, Hogan, Hubbard, Irwin, Jackson, Merriwether, Perry, Pickett, Powell, Smith, Vining.—Reps. Mr Speaker, Acklen, Barclay, Boyd, Brown, Chiles, Clark, Clough, Coopwood, Dubose, Dillahunt, Everett, Faulk, Gayle, George, Gilbreath, Hall, Herbert, Hickman, Hodges, Hogan, Horton, Hudson, Jackson, King of J. King of M. King of P. Langford, Lawler, Lea, Massey, M'Collum, Metcalfe, Moore of M. Moore of W. Murphree, Musgrove, Philpott, Rather, Richardson, Ross, Rugeley, Sanders, Shortridge, Stevens, Taylor, Townsend, Walker, Ward, Young.

Those who voted for Mr Andrews are, Messrs President, Crawford, Dupuy, Edmondson, Hemphill, Hogan, Hubbard, Jackson, Morton, Smith.—Reps. Messrs Speaker, Acklen, Barclay, Boyd, Brown, Clark, Clough, Collins, Coopwood, Cunningham, Dubose, Dillahunt, Faulk, Gayle, George, Gilbreath, Hall, Herbert, Hickman, Hogan, Hogg, Horton, Jackson, Kilpatrick, King of J. King of M. King of P. Langford, Lea, M'Vay, Moore of M. Murphree, Musgrove, Oliver, Philpot, Rather, Riddle, Sanders, Shortridge, Stevens, Taylor Townsend, Walker, Ward, Williams and Young.

Those who voted for Mr Pattison, are, Messrs Abercrombie, Dupuy, Edmondson, Hemphill, Hubbard, Irwin, Jackson, Merriwether, Morton and Perry.—Reps. Messrs Baker, Boyd, Brown, Chiles, Clark, Clough, Collins, Coopwood, Cunningham, Dubose, Dillahunt, Durand, Faulk, George, Gilbreath, Hall, Herbert, Hodges, Hogan, Hogg, Horton, Hudson, Jackson, Kilpatrick, King of P. Lane, Lea, M'Collum, Metcalfe, Murphree, Musgrove, Oliver, Philpot, Rather, Riddle, Rugely, Shortridge, Stevens, Taylor, Townsend, Walker, Ward and Williams.

Those who voted for Mr Walker are, Mr President, Bridges, Crawford, Hemphill, Hogan, Hubbard, Perry, Pickett, Smith.—Reps. Messrs Acklen, Boyd, Clark, Clough, Coopwood, Cunningham, Dubose, Dillahunt, Faulk, Gayle, Gilbreath, Hall, Hodges, Hogan, King of M. King of P. Lea, M'Vay, Moore of W. Riddle, Shortridge, Stevens and Ward.

John H. Sommerville, Samuel B. Ewing, Charles Lewin, Thomas R. Bolling, Frederick C. Ellis, William G. Parish, Constantine Perkins, William R. Colgin, Gilbert Saltonstall, John O. Cummins, H. M. Andrews, and James Guild having received a majority of votes, were declared by Mr Speaker to be duly elected Directors of the Bank of the State of Alabama.

The election being completed the Senate withdrew, returned to their own chamber, and Mr President resumed the chair.

And then the Senate adjourned till 10 o'clock to-morrow.

Saturday, Jan. 15, 1831.—The Senate met pursuant to adjournment.

Mr President laid before the Senate the following communication from George W. Gayle; which was ordered to be spread upon the journals of the Senate:

TUSCALOOSA, January 12, 1831.

To the Hon. Samuel B. Moore, President of the Senate.

SIR: The 22d-section of our Bill of Rights gives to the citizen the privilege of applying "to those invested with the powers of government, for redress of grievances or other purposes, by petition, address, or remonstrance." With all the respect which is due to the branch of the General Assembly over which you preside, I beg leave to present to that Hon. Body, through you, this my remonstrance against the unjust, and unconstitutional mode which Messrs Hubbard, Jackson, Irwin, Hemphill, Walthall, Garth and Morton have adopted to assail and injure my reputation.

They have claimed the right of spreading upon the Journal, their reasons for voting against the report of the judiciary committee on the subject of Mr Abercrombie's speech in the discussion on the Coosa Canal memorial. In the exercise of that privilege, they have committed such an abuse of it, as to break down those barriers against encroachment, which the people intended as an impassible wall around the inestimable right to the enjoyment of private reputation.

I gave a sketch of the speech, which was published in the Selma Courier, and represented Mr Abercrombie as referring to an act of Congress called the American System. That was made the occasion of the introduction of a resolution by the gentleman from Butler, declaring that it was widely different in substance and language from the remarks made by Mr Abercrombie. This resolution was referred to the judiciary committee who reported in substance, that it did not present such a case as would authorize the Senate to take cognizance thereof, in which report the Senate concurred by a vote of 13 to 8.

It is obvious that the resolution presented no other question for the consideration of the Senate, than whether that body ought to adopt it, admitting the sketch was "widely different in substance and language" from the speech as delivered.

The minority thought they ought, and they have entered their protest against the decision of the majority, on the journal.

In vindication of their vote, they have a right to reason upon any supposed state of facts, but nothing more. They question the correctness of the principle contended for by the majority, and the widest latitude necessary for their purpose, is to suppose a misrepresentation in me, but not to assert it. The minority have established the principle, so far as their protest can establish it, that under the constitutional privilege of entering their reasons upon the journal, they have a right to assail the character of any individual in the community, though it be in no wise necessary to establish their positions or elucidate their arguments.

It must be remembered that a member of the General Assembly is not responsible in our courts, for any acts done in his representative character. Either House is the sole judge of such matters as would be proper for legislative action, and whatever is placed on the journal, forms a part of its proceedings, and there is no other responsibility than such as exists between the people and their representatives. This rule is necessary to the independence of the legislature, and without it there would be no security to the people in their civil rights.

While the privilege secured to the minority of entering their reasons upon the journal should be preserved without restraint; yet the abuse of that privilege, as in this instance, is a dangerous and unwarrantable usurpation, and subversive of the protection which the constitution extends to every citizen. The only mode in which this instrument is to be preserved in its purity, is for each department of the government, to move in its own proper orbit; for, whenever a deviation is attempted in either, it abridges the free exercise of the powers of the others, and prevents them from extending to the citizen the protection which he has a right to claim.

If a member of the Senate is permitted to record upon the journal, whatever libelous matter against a citizen which his malice may suggest, not being answerable, as I have shown, in our courts, then the 14th article of our bill of rights is disregarded, and no person has "remedy by due course of law for an injury done him in his reputation." Though Messrs Hubbard, Jackson, and others, have, without any necessity whatever, for any purposes of argument, thought proper to attempt to stamp my character with the seal of falsehood, and have thereby done me a most essential injury in my reputation, yet, having done this in their representative character, I am shut out from all remedy by "due course of law."

But this is not all—the first article of the declaration of rights, declares that all free men are equal in their rights. The course which these gentlemen have pursued will destroy, and has destroyed this equality. They have placed themselves above the people, and have, in effect, declared that they, as rulers, are irresponsible for acts, for which all others, not members of the General Assembly, would be liable in a civil suit, or criminal prosecution. Furthermore, the minority seem so bent upon my prostration and ruin, that they have totally disregarded the 29th section of the declaration of rights which secures to every person the right of defending himself in any civil cause, in person or by counsel.

Upon the records of your Hon. Body, I stand condemned by the minority, without even the forms of trial; and although I have made a tender of my proof, the humble privilege of offering it is denied me. I confess the inequality of this contest is very great. Seven Senators are arrayed against me. They have the power to oppress me by violating the solemn injunctions of the constitution. I have no such power. They can boast of political influence, of wealth, and all the consequence which attaches to office. These things do not belong to me. In all of them I am their inferior. But in one respect I am their equal. I am an honest man—I have a character upon which I rely for my comfort and support in the community in which I live, and cannot consent that it shall be thus *despotically* and *unconstitutionally* assailed without sending up to your Hon. Body, this my last and solemn remonstrance. Very respectfully,

G. W. GAYLE.

Mr Crawford presented the annual report of the board of Trustees of the University of Alabama, which is as follows:

The Board of Trustees of the University of Alabama respectfully submit their Annual Report to the General Assembly.

CAPITAL STOCK.

The proceeds of the sale of 33,392.58 acres of land, to 8th Dec. 1830 \$368,088 74
Of this amount there has been received, and invested in Six

Per Cent. Stock of the State	- - -	\$140,047 20
Collected on outstanding bonds, and to be vested	- - -	5,070 63
Bonds outstanding, and now due, to the amount of	- - -	38,966 91
Bonds outstanding, and will fall due in 1831	- - -	57,551 10
in 1832	- - -	29,200 29
in 1833	- - -	58,143 91
in 1834	- - -	1,440 77
in 1835	- - -	14,940 56
in 1836	- - -	13,322 22
in 1837	- - -	9,405 15

And there are remaining unsold 12,687.42 acres of land.

INCOME FUND.

From all sources	- - -	\$17,316 85
Cash dividend upon \$128,655 36 Six Per Cent State Stock, declared 9th November, 1830	- - -	\$7,719 24
For rent of lands, on Interest Bonds, and interest on bonds for deferred payments	- - -	9,597 61

Amount borrowed from the Bank, and remaining unpaid - - - \$40,000 00

DISBURSEMENT.

There has been disbursed, from 26th November, 1829, to 26th November,
1830, the sum of - - - \$39,560 31

As follows, to wit.

Towards the buildings of the University	- - -	\$33,868 60
Current expenses of the Board, and to Agents for selecting lands for the University, &c.	- - -	3,698 58
Agents' commissions for collecting and selling	- - -	1,007 13
Architect's Salary	- - -	800 00
Interest retained by the Bank	- - -	186 00

The Board of Trustees further report, that a minute detail of all the transactions of the Board can be better understood by a reference to their journal, to an examination of which they respectfully invite your honorable body. At the same time, they deem it incumbent on them to give a brief abstract of the subjects which have occupied their attention, or afforded matter for deliberation, since their last Annual Report. Early in the past year, the Building Committee, with the assistance of the superintendent, entered into contracts with different individuals, for the completion of the several collegiate buildings, (except the Rotunda,) all of which contracts have been severally complied with. During the present session of the Board, contracts have been let for the completion of the Rotunda, and for enclosing the grounds around the buildings, the whole to be completed before the first day of May next. For a more explicit account of the transactions of the Building Committee, we would respectfully refer you to their Report, hereto annexed.

The University edifices are now ready for the reception of students; and the Board confidently expect, at no distant day, to see them crowded to overflowing, and the whole in successful operation.

At the last annual meeting of the Board, an election was had for a President, and Professors for the institution; with the result of which you have already been apprized. The gentlemen selected to fill the different chairs, were at an early period notified of their respective appointments; and requested to signify their willingness or unwillingness to accept of the chairs to which they have been elected. Dr Saltonstall, Professor of Mathematics, and Dr Wallis, Professor of Moral Philosophy, accepted; and Dr Lindsley, the President, and Mr Hooper, Professor of Languages, declined. During the last summer, Dr King, who had been made Adjunct Professor of Chemistry, departed this life. By his death a vacancy has been created, which the Board do not deem it expedient at this time to fill. In order to fill to the greatest possible advantage to the interests of the University, the vacancies occasioned by the refusal of Dr Lindsley and Mr Hooper to accept the chairs which they had been elected to; and to ensure the appointment of a suitable and well qualified person to preside over the institution, and control and direct its infant energies, a member of this Board (Mr J. G. Birney, of Huntsville) was appointed to visit the literary institutions of the northern and eastern

States, and ascertain from themselves what distinguished Professors would be willing to attach themselves to the rising fortunes of our University. Mr Birney, in obedience to his instructions, proceeded to the North, and discharged, to the entire satisfaction of the Board, the duties attendant upon his mission. Early in the present session of the Board, they went into an election to fill the vacancies before-mentioned; when Dr Alva Woods, President of the Transylvania University, was chosen Professor of Moral Philosophy, and President of the institution; and Mr T. Wilder, of Virginia, Professor of Ancient Languages. The Board possess ample surety, in the distinguished literary and scientific reputation of these gentlemen, that all will be done which zealous devotion and well cultivated talents of the highest order can effect, to place the University of Alabama on that lofty eminence which they fondly hope it is destined to occupy among the literary institutions of our country. Impressed with a belief of its great utility and importance, the Board have taken measures to form a Museum for the University; and for that purpose have employed Mr McMillan, a Naturalist, to collect and prepare specimens of natural history. The same individual has, also, undertaken to collect such antiquities of this State as may come within his knowledge. In this way, not only the natural history of our own country may be collected in a few years, but, by a system of exchanges with foreign institutions, many valuable specimens will be obtained from thence. This undertaking has already been commenced, and a considerable number of specimens prepared, which are now at the institution. We confidently hope, that the public will assist our views in this matter, by sending to the University any specimens of natural history or antiquities which may fall within their reach.

The Board do not deem it necessary or proper, at this time, to advert to the calls for relief that have been made upon them at various times by the purchasers of University lands; or of their project for the admission to the University, of a certain number of charity students annually, from each county, to be educated free of all expense; as your honorable body is already fully in possession of the views of the Board in relation to these very interesting topics.

The Board of Trustees would be doing violence to their own feelings, and manifest an unpardonable indifference to the important trust delegated to them, were they at this time to refrain from indulging in a few reflections on the flattering prospects of our infant institution, and on the great moral influence it is destined to exercise over our State.

The period is rapidly approaching when its advantages will be felt and *seen* in our Legislative Halls, at the Bar, on the Bench, and in the Pulpit. With buildings erected on a scale commensurate with its means, which, for convenience of arrangement, purity and chasteness of design, will not suffer by a comparison with similar edifices in any part of the Union. Amply endowed by the munificence of the General Government, with a President and Professors whose present reputation bespeak their future zeal and ability, what may we not reasonably expect from this child of our hopes? The sun of science will soon be seen rising in the wilderness, darting his rays through the forest to every cottage; and with their genial warmth, dissipating the clouds of ignorance and prejudice which have so long overshadowed and darkened the face of our land. The streams of learning which will flow from this fountain of knowledge, are not to be monopolized and engrossed by the privileged few, to the exclusion of the many.

By a wise legislative provision, it is intended for the general good, to infuse new life and vigor through the moral and political body. The friendless and unprotected child of genius and misfortune, will here drink at the Castalian fount, with the pampered sons of luxury and affluence. It would be an act of presumption in the Board, (nor is it here intended,) to attempt to adduce any new argument in favour of the system projected for the admission and education of those, the narrowness of whose means would otherwise exclude them for ever from the benefits of education. The superior blessings and advantages of an enlarged and liberal education, none will have the hardihood, in this age of improvement, to doubt or deny. And upon the general diffusion of knowledge through the great mass of the population, will, in all ages and in all countries, depend, in no small degree, the health and vigor of the body politic. The more you improve and enlighten the public mind, the more secure you render it against insidious and inflammatory machinations of the factious demagogue.

Convinced of the truth of these remarks, would we be acting in good faith towards those who have placed us upon the watchtower of the State, that we should, with a vigilant and unsleeping eye, guard their rights and liberties, if we neglected to provide for the general body of the people the means of obtaining that information by which those rights and liberties are secured and protected? The indiscriminate saving of money is neither wisdom nor economy. There are other gods more worthy of adoration than Mammon. There are cases when expenditure itself is economy. Who would applaud the wisdom of that commander who, when a fortress is about to be besieged, should provide neither ammunition nor provisions, lest they should cost money? How wise would

be the conduct of that Government which should neglect to provide those advantages the improvements of the age afford ; which should neglect to place its country, in science or in arts, in peace as well as in war, upon an equality with all surrounding or with all rival nations ? Measures, however purely pacific or intellectual—measures calculated to enrol our citizens among the benefactors of human society, among those who have improved and elevated the human mind, seem generally to be the objects of vigilance and suspicion, cautiously investigated, slowly adopted. How readily have millions been lavished by almost every nation, every form of government, to desolate and destroy ! How reluctantly have thousands, we might say hundreds, been given to secure those acquisitions far more important than foreign conquests or military triumphs—those principles which can alone render conquest or triumph of any value ! For, what creates national happiness ? what constitutes national glory ? Is it the mere exertion of physical force ; the struggles of the animal man ; the waste of human life ? Alas ! if these are the elements of glory, what family of the savage Indian, what horde of the wandering Tartar, what tribe of the children of Ismael, what kraal or village of the Hotentot or the Ethiope, would not be illumined by its beams ? When has man been found, and permitted regulated passions, tempered ambition, and intellectual dictates to guide his footsteps ? And it is only in proportion as these powers which distinguish him from the rest of the animal creation are exercised, that he manifests his high station, that he assumes the rank allotted to him in the scale of creation. It is rational, not physical man, that guides, and governs, and elevates, and dignifies the human race. It is rational, not physical, that aspires to Heaven.

It was not Salamis—it was not Marathon or Platœa, that has perpetuated the name of Athens. What were the conquests or victories of Republican Greece, to those of Attala, or Zinges, or Timour ? It was that illustrious race whom she reared in, or attracted to her schools, her temples, her academic groves ; those who gave to immortality the breathings of poetry, the speculations of philosophy, the martial deeds of themselves, of their ancestors, and compatriots ; sages who extended the powers of the human intellect, and threw a shadowy, yet enduring halo of glory around their country, that endears her name, her language, her fortunes, even to the present hour. How greatly, then, should we feel indebted to those who, having the means, almost the destinies of the nation under their control, with true patriotism and wise economy, unmindful of local or temporary feelings, give to their country those institutions necessary for the intellectual improvement of her citizens ; give to the rising generations those advantages which may make them worthy of their country. These are benefactions which posterity shall acknowledge. These are the acts which shall give to national character that lustre no other services can bestow ; will give to patriotism those motives for inculcating the love of country, which patriotism may be proud to employ.

Neither let it be said, that these aids have not been hitherto required to raise up illustrious men, who have exalted the character of the land that gave them birth, and whom that land now remembers with gratitude and respect. Let not solitary examples of moral greatness deceive us. Even of uncommon minds, if transcendent talents, can sometimes pierce through the darkness with which ignorance, and neglect, and perhaps poverty has enshrouded them ; if they sometimes burst upon an admiring or an astonished world, awing, overpowering, consuming,—these are not the exhibitions of genius we require. Even if these portentous visions prove beneficent, they suit us not. Their example is illusive—it misleads mankind. It is not the meteor fire glaring through our atmosphere, we wish to see, but a steady and enduring light. We want not in our system a sun dazzling and obscuring all lesser orbs by its refulgence ; but a diffusion of similar and nearly equal luminaries, like the bright firmament of night, where, although one star may differ from another star in glory, yet no one beams with overpowering lustre, no one conceals the order and regularity of the system, no one interrupts or disturbs the harmony of the scene.

Yet even in other respects these examples are deceptive. For it is only or principally in those cases when man is to be controlled and governed ; in those cases where mental energy and sagacity must be promptly and vigorously exercised, that untried and untrained talents have been developed. And no one doubts that their effects would have been greater, their influence more beneficial, if their sphere of observation had been more extended ; if such minds had been permitted to enlarge and correct their own views by the examples and recorded wisdom of kindred spirits.

But in knowledge which consists in the accumulation of observations, opinions, and facts, who can travel through the maze of science, unaided and alone ? who can dispense with the labours of those who have preceded him ? who could take up, as an unknown, unstudied book, the great volume of nature, and acquire in the term of human life even an imperfect reading ? What strength of mind, what sagacity, can compensate the want of collateral assistance ? What architect can build without materials.

The time, the talents of thousands have been for ages devoted to science. We should be acquainted with all their discoveries; we should be placed upon the same elevated level with our contemporaries, before we can join advantageously or fairly in their efforts, and become companions in their triumphs; before we can accurately determine what portions of the great fabric of science are imperfect or defective; what portions invite our research; in what sections exertions and attention are wanting; when that would be superfluous. In those labours the lofty and aspiring mind of man delights to engage, whether stimulated by interest or curiosity, or excited by an ardent desire to look beyond himself; to understand the laws and arrangements of that system to which he finds himself connected; to converse with wisdom; to become familiar with the manifestations of power; to view with an eye of intelligence as well as admiration the unfailing exhibition of beauty, magnificence, and order.

It is in employments and moments like this, that the mind seems to disfranchise itself from the shackles of its material frame; to disencumber itself from the dross of mortality; to feel the overshadowings and inspirations of a purer and a loftier spirit. It is then that man pants to place the impress of greatness and duration, the seal of immortality, on all that surrounds him; to incorporate himself with the scenes and events that pass along; to live not for the present hour, but for the ages and generations that are to come. And, however, to the inert or the unfeeling, to the egotist, or sensualist, these aspirations may appear absurd or idle, such is the condition of our existence, that nothing great, nothing worthy or breathing of immortality, can be expected from the individual or the nation, whose views never soar beyond the wants, the enjoyments, the desires of the present hour. Man lives more than he is aware of for posterity; and often his greatest enjoyments are derived from the pursuit and accomplishment of those objects which, while they scatter blessings around the present generations, promise, perhaps ensure benefits to distant ages. He builds temples that a future race may worship; creates institutions where another age shall be instructed; frames laws and constitutions by which they shall be guided and protected; rears monuments that shall testify to them his triumphs and improvements. And posterity repays them with the tribute of respect and veneration, the undying name, the deep feeling of admiration which departed greatness always inspires. Even inanimate objects revive the strong impressions which the mind receives from the remembrance of the deeds of the ages which have passed away, as they testify to the power and the grandeur of the mighty, who have fallen. Who can walk amidst the ruins of Egyptian Thebes, and not remember and feel, even now, the power and magnificence of the race that erected her stupendous fabrics? Who can wander amongst the mouldering ruins of classic Greece without recalling the visions of her greatness, the memory of her sages and her chiefs, the talents of those gifted men whose productions are even now the admiration of mankind? But who inquires where the Tarter or the Arab last pitched his tent? Who cares where the savage of the forest builds his occasional wigwam? It is thus that the memory and character of a country becomes identified with the intellectual powers and employments of her offspring.

And shall we, who are certainly not incurious as to the concerns of this world, be indifferent to the republic of letters? Must we be so engrossed in the language and concerns of business that we cannot listen to the language of poetic inspiration? And must we forever and unceasingly be deafened by the din of congressional rivalries? Is there between the rebukes and acclamations of partizans and the hot warfare of canvass for office, no happy moment of tranquillity in which the genius of learning may raise her humble head fearlessly, and be respected, and the pursuits of contemplative life be cheered by the free expression of general approbation, and quickened into excellence by the benignity of an attentive nation?

We have had to struggle thus far into our political existence, without the assistance of a great State literary institution; but we have now the promise of one: and let its first fruits, as the literary character of the country is developed, resemble our political institutions in liberality, and be disseminated throughout the remotest corners of our State.

GABRIEL MOORE, *Pres't ex-officio*.

Ordered, that the report lie on the table, and that two hundred and fifty copies be printed.

A bill to be entitled an act to regulate the rate of wharfage in the city of Mobile, was read the second time. Mr Jackson moved that the bill lie on the table till the first day of next session; which was lost. Yeas 6—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Conner, Garth, Hogan, Jackson and Smith.—Those who voted in the negative are, messrs Bridges, Crawford, Edmondson, Hemphill, Hubbard, Merriwether, Perry, Pickett Powell and Walthall.

Mr Hogan moved to strike out *the first February* and to insert *the first November next*, as the time when the law shall take effect; which was carried. Mr Bridges offered an amendment to the bill, providing that no commission merchant in the city of Mobile, shall be authorized to charge exceeding one per cent as commissions on the sale of cotton, or other produce; which was adopted. Mr Hogan moved that the bill be committed to a special committee; which was carried. Yeas 9—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Bridges, Crawford, Garth, Hogan, Jackson, Perry, Smith and Vining.—Those who voted in the negative are, messrs Hemphill, Hubbard, Merriwether, Powell, and Walthall.

Whereupon, messrs Hogan, Perry and Crawford, were appointed the committee.

Mr Powell, from the joint committee on enrolled bills, reported as correctly enrolled, joint resolution to keep and preserve all the furniture of both Houses of the General Assembly, and for other purposes; joint resolution making it the duty of the Secretary of State to distribute to each regiment the abstracts of Infantry tactics now in his office; an act to divorce Eliza Boalt from Lewis Boalt; an act to emancipate certain slaves therein named; an act to incorporate the town of Carrollton in Pickens county, and Fayetteville, in the county of Fayette, and for other purposes; and, an act to authorize the alteration of a road therein named: all of which were accordingly signed by mr President.

Mr Powell, from the committee on accounts and claims, to which was referred a bill to be entitled an act for the payment of certain claims therein specified, reported the same as amended; which was concurred in. The bill was then read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Bridges offered the following resolution: *Resolved*, that a committee be appointed on the part of the Senate, to act with such committee as may be appointed; on the part of the House of Representatives, to wait upon the Governor, and inform him that the two Houses will be ready to adjourn *sine die*, this day at 10 o'clock, P. M., if he has no further communication to make. Whereupon, messrs Bridges, Perry and Hogan, were appointed the committee on the part of the Senate. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Hogan offered the following resolution: *Resolved*, that with the concurrence of the House of Representatives, the two Houses will go into the election of five members of the medical board for the city of Mobile, this day at 5 o'clock; which was adopted. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act making appropriations for certain claims against the State, was read the third time and laid on the table.

A bill to be entitled an act divorcing certain persons therein named, was read the first time: and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time and passed by the requisite majority. *Ordered*, that the Secretary acquaint the the House of Representatives therewith.

On motion of mr Crawford: *Resolved*, that the Secretary of the Senate be authorized to employ an additional assistant for the remainder of the session.

A message from the House of Representatives by mr Tunstall, their clerk: Mr President—The House of Representatives have read three several times and passed bills which originated in the Senate, entitled an act to enable the State of Alabama to sell and dispose of certain reserved lands

therein named; an act authorizing the administrators of the estate of William Bonnell, deceased, late of Lowndes county, to make title to certain lands therein named; and, an act to emancipate certain slaves therein named. They have receded from their amendment to the bill entitled an act for the relief of Philomon Waters, Robert M. Hails and John S. Bailey. They have also receded from their disagreement to the amendment made by the Senate to the bill entitled an act to prohibit the clerks of the circuit and county courts of Tuscaloosa county, from taxing in the bill of costs a county tax on judgements rendered in favor of the Bank of the State of Alabama. They concur in the amendments made by the Senate to the bill entitled an act authorizing William M. Marr to open and keep in repair a certain road therein mentioned. They also concur in the report of the committee of conference on the bill entitled an act to incorporate the town of Waverly, in Pickens county, and Fayetteville in Fayette county, and for other purposes. They have read three several times and passed a bill which originated in the Senate, entitled an act providing for the completion of the State Capitol, and have amended the same as herewith shewn: in which they request the concurrence of the Senate.

Ordered, that the Senate concur in the amendments made by the House of Representatives to the bill entitled an act to provide for the completion of the State Crpitol. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Bridges, from the special committee to which was referred a bill to be entitled an act to alter the times of holding the circuit courts of the second judicial circuit, reported the same without amendment. *Ordered*, that the bill lie on the table.

A bill to be entitled an act more effectually to secure the compensation allowed by law to the jurors of Monroe county; and, an act to provide for the payment of petit jurors in the county court of Pike county, were severall read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to incorporate the President and Trustees of the Tuscaloosa Female Academy, was read the second time: and the rule requiring bills to be read on three several days being dispensed with, the bill was read the third time and passed. *Ordered*, that the title be as aforesaid, and that the bill be sent to the House of Representative for their concurrence.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives concur in the amendments to the bill entitled an act for the payment of certain claims therein specified. They have read three several times and passed a bill which originated in the Senate, entitled an act incorporating the Florence Academy, in the town of Florence, Lauderdale county; joint resolutions expressive of the opinion of the General Assembly on certain subjects therein mentioned, and in relation to the Tariff, were taken up. Mr Garth moved that the resolutions, together with the substitute offered therefor by mr Hubbard lie on the table. Mr Perry called for the previous question, and the question was put, Shall the main question be now put? and carried. Yeas 10—Nays 4.

The yeas and nays being desired, those who voted in the affirmative are, messrs Crawford, Edmondson, Garth, Hogan, Hubbard, Jackson, Merriwether, Perry, Pickett and Walthall.—Those who voted in the negative are, messrs President, Bridges, Powell and Smith.

The question was then put on mr Garth's motion to lay the resolutions on the table, and carried.

The bill entitled an act making appropriations for the payment of certain claims against the State, was taken up and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Powell, from the joint committee on enrolled bills, reported as correctly enrolled, an act to continue in force and amend an act entitled an act to provide for reporting the decisions of the supreme court; an act making appropriations for the year 1831; an act permanently to fix the seat of justice of Clarke county, and for other purposes; an act to incorporate the Ashville Academy, in St Clair county; an act to repeal an act entitled an act to authorize the judge of the county court, and commissioners of roads and revenue of Fayette county, to levy an extra tax, approved January 24th 1829; an act to establish a certain ferry therein named; an act changing the lines between the counties of Shelby, Jefferson and St Clair; an act altering the boundary line between the counties of Bibb and Tuscaloosa; an act to authorize, Randal Jackson, guardian of Randal Beasley, to sell a certain slave therein named; an act to add the residue of the 14th township, 12th range, west of the basis meridian of Huntsville from the county of Marion to the county of Fayette; an act providing for the completion of the State Capitol; an act to emancipate certain slaves therein named: all of which were accordingly signed by mr President.

And then the Senate adjourned till 3 o'clock this evening.

Three o'clock, P. M.—The Senate met pursuant to adjournment.

Mr Crawford presented the following document, to be entered upon the journals of the Senate:

The undersigned, having voted in the minority on the passage of sundry resolutions in favor of Sunday Mails, now avails himself of his constitutional right of spreading the reasons which governed that vote upon the journals of the Senate.

If the language of the resolution had been confined to the expediency of the measure, the undersigned would have had no objection to its passage; but it adopts and applauds the sentiments expressed in the report of the committee at the last session of Congress; which report has not been read in the Senate, nor has it been shewn to that body what those sentiments were. It also assumes a principle to which the undersigned cannot subscribe, in the following words: "And that its suspension on that day would be a violation of the spirit of the constitution, and repugnant to the principles of a free government." The undersigned knows of no clause in our constitution, which the suspension of the mail, and the observance of the Christian Sabbath would violate; nor does he know of any principle of a free government to which it is repugnant. He therefore, cannot subscribe to the broad and unqualified assumption contained in the above paragraph, and therefore felt it his duty to vote against the passage of the resolution.

THOMAS CRAWFORD.

Ordered, that the joint resolutions protesting against the establishment of a branch or office of discount and deposit of the Bank of the United States in the State of Alabama, lie on the table.

Mr Hogan introduced a bill to be entitled an act to quiet the claim and title to certain property in the city of Mobile, therein named; which was read. On motion of mr Jackson: *Ordered*, that the bill lie on the table till the first day of the next session of the Legislature.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have concurred in the resolution from the Senate proposing to go into the election of five members of the medical board for the city of Mobile, at 5 o'clock. They have appointed a committee, consisting of messrs Taylor, M'Vay and Coopwood to act with the committee appointed by the Senate, to wait upon the Governor and inform him that the two Houses will be ready to adjourn *sine die*, this

day at the hour of 10 o'clock, P. M., if he has no further communication to make.

Mr Powell, from the joint committee on enrolled bills, reported as correctly enrolled, an act authorising the administrators of the estate of William Bonnell, deceased, late of Lowndes county, to make title to certain lands therein named; an act for the relief of Philomen Waters, Robert M. Hails and John S. Bailey; an act incorporating Florence Academy, in the town of Florence; and, an act to enable the State of Alabama to sell and dispose of certain reserved lands therein named: all of which were accordingly signed by mr President.

A message from the Governor by mr Thornton: Mr President—The Governor did on this day approve and sign the following bills: an act authorizing the alteration of a road therein named; an act to incorporate the town of Carrolton, in Pickens county, and Fayetteville, in the county of Fayette, and for other purposes; an act to divorce Eliza Boalt from Lewis Boalt; an act to manumit and set free certain slaves therein named, and for other purposes; an act to emancipate certain slaves therein named; an act for the relief of the city troop commanded by Capt James Taylor, of the city of Mobile; an act for the relief of the fire engine company No. 2, of the city of Mobile; an act to provide the means for building a jail for the county of Tuscaloosa; an act to alter and amend an act entitled an act to incorporate the town of Vernon, in the county of Autauga; an act to compensate Henry Tuttle for apprehending a horse thief; an act to change the line between the counties of Montgomery and Shelby; an act to repeal in part an act therein named; an act extending relief to Daniel Davis, Meridith Moses and E. W. Thomas; an act to change the time of holding the county courts in the county of Dallas; joint resolution to authorize the Secretary of State to procure books and stationary for the use of the State Departments and General Assembly; joint resolution to keep and preserve the furniture of both Houses of the General Assembly, and for other purposes; joint resolution making it the duty of the Secretary of State to distribute to each regiment the abstract of infantry tactics now in his office, all of which originated in the Senate.

Mr Hubbard, from the committee on the judiciary to which was referred the petition of Willie Conner; which was agreed to.

Mr Hogan, from the committee on the State Bank to which was referred a bill to be entitled an act to provide for the transfer of certain certificates of stock issued by the State of Alabama, reported the same as amended.

Ordered, that the bill lie on the table.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have disagreed to the amendment of the Senate to the bill entitled an act making appropriations for the payment of certain claims against the State, so far as reduces the allowance made to John Tatum. They concur in all the other amendments made by the Senate to said bill. They have read three several times and passed a bill from the Senate entitled an act to alter and amend the charter of incorporation of the city of Mobile, and have amended the same as herewith shewn: in which they desire the concurrence of the Senate.

Ordered, that the Senate concur in the amendment made by the House of Representatives to the bill last mentioned in the above message. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Garth moved that the Senate recede from the amendment to the bill entitled an act making appropriations for the payment of certain claims

against the State, by reducing the allowance to John Tatom for servant hire, &c.; which was lost. Yeas 4—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, messrs Garth, Hubbard, Perry and Smith.—Those who voted in the negative are messrs President, Bridges, Crawford, Dupuy, Edmondson, Hogan, Jackson, Merriwether, and Powell.

Ordered, that the Senate insist on said amendment, and that the Secretary acquaint the House of Representatives therewith.

And then the Senate adjourned till 5 o'clock this evening.

Five o'clock P. M. Saturday 15th January, 1831.—The Senate met pursuant to adjournment.

A message from the Governor by Mr Thornton: Mr President—I am instructed by the Governor to inform your honorable body that he has this day approved and signed the following bills: an act to authorize the administrators of the estate of William Bonnell, deceased, late of Lowndes county, to make a title to certain lands therein named; an act to enable the State of Alabama to sell and dispose of certain reserved lands therein named: an act incorporating Florence Academy in the town of Florence; an act to emancipate certain slaves therein named; an act providing for the completion of the State Capitol; an act for the relief Philomon Waters, Robert M. Hails and John S. Bailey: all of which originated in the Senate.

Mr Powell, from the joint committee on enrolled bills, reported as correctly enrolled, an act to amend an act entitled an act to alter and amend the charter of incorporation of the city of Mobile; an act to attach a part of Wilcox county to the county of Clarke; an act to establish and discontinue certain election precincts therein specified: an act to provide for the payment of the petit jurors in the county court of Pike county; an act more effectually to secure the compensation allowed by law to the jurors of Monroe county; an act divorcing certain persons therein named; an act to authorize William M. Marr to open and keep in repair a certain road therein named; and, an act for the payment of certain claims therein specified: all of which were accordingly signed by Mr President.

Mr Smith, from the committee of conference appointed on the bill entitled an act prescribing the mode of payment of persons who mark and lay out State roads, reported that the committee have had the same under consideration, and deem it inexpedient to pass the bill, as appropriations have been made for the payment of the persons named in said bill; which was agreed to.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have adopted the following resolution: *Resolved*, that the Senate be informed that the House of Representatives is now ready to receive them in the Representative Hall for the purpose of going into the election of a medical board for the city of Mobile.

Whereupon the members of the Senate repaired to the Hall of the House of Representatives, and having taken the seats assigned them, Mr President arose and announced the object of the meeting, when the two Houses proceeded to the election of five members of the medical board for the city of Mobile; Dr Ezekiel Webb, Dr Solomon Mordecia, Dr Henry S. Levert, Dr James F. Roberts, Dr L. Chieupee, Dr Victore Gennard, and Dr Willis Roberts being in nomination. The votes stood thus: Dr Webb 47; Dr Mordeica 47; Dr Levert 42; Dr J. F. Roberts 42; Dr Chieupee 26; Dr W. Roberts 32; Dr Gennard 9.

Those who voted for Dr Webb are, Mr President Bridges Conner Crawford Garth Hogan Jackson Merriwether Perry Powell Smith Vinging Walthall,—Reps. Mr Speaker Acklen Barclay Boyd Chiles Clark Clough Dillahunt Durand Everett Faulk

Gilbreath Harris Herbert Hickman Hogan Hudson King of M. King of P. Lane Lawler Lea Massey M'Cullum Mobley Moore of M. Oliver Philpott Richardson Ross Rugeley Shortridge Taylor.

Those who voted for Dr Mordecia are, Mr President Conner Crawford Hogan Jackson Merriwether Perry Powell Smith Vining Walthall.—Reps. Mr Speaker Acklen Barclay Boyd Chiles Clark Clough Dillahunty Durand Everett Faulk Gilbreath Harris, Herbert Hickman Hogan Hogg Hudson King of M. King of P. Lane, Lawler Lea Massey M'Cullum M'Vay Mobley Moore of M. Oliver Philpott Rather Richardson Ross Rugeley Shortridge Taylor.

Those who voted for Dr Levert are, Mr Bridges Conner Crawford Garth Jackson Merriwether Perry Powell Vining Walthall.—Reps. Mr Speaker Acklen Barclay Boyd Chiles Clough Dillahunty Everett Faulk Gilbreath Harris Herbert Hickman Hogg Hudson King of M. King of P. Lane Lawler Lea Massey M'Cullum M'Vay Mobley Moore of M. Oliver Philpott Rather Richardson Ross Rugeley Taylor.

Those who voted for Dr James F. Roberts are, Mr Bridges Conner Garth Jackson Perry Powell Vining Walthall.—Reps. Mr Speaker Acklen Barclay Boyd Chiles Clough Durand Everett Faulk Gilbreath Harris Herbert Hickman Hogan Hogg Hudson King of M. Lane Lawler Lea Massey M'Cullum M'Vay Mobley Moore of M. Oliver Philpott Rather Richardson Ross Rugeley Sanders Shortridge Taylor.

Those who voted for Dr Chieupée are, Mr President Bridges Conner Crawford Garth Hogan Jackson Merriwether Smith.—Reps. Mr Speaker Barclay Clark Clough Dillahunty Everett Faulk Gilbreath Herbert Lane Massey Mobley Philpott Rather Richardson Ross Rugeley Shortridge Taylor.

Those who voted for Dr Willis Roberts are Mr President Bridges Crawford Garth Hogan Jackson Merriwether Perry Powell Smith Vining Walthall,—Reps. Mr Acklen Boyd Chiles Clark Dillahunty Durand Harris Hickman Hogan Hogg Hudson King of M. King of P. Lawler Lea M'Cullum M'Vay Moore of M. Rather Sanders Shortridge.

Those who voted for Dr Gennard are, Mr President Hogan Smith.—Reps. Mr Clark Durand Hogan King of P. M'Vay Oliver.

Doctors Webb, Mordecia, Levert, J. F. Roberts and Willis Roberts having received a majority of the whole number of votes present, were declared by Mr Speaker to be duly elected members of the medical board for the city of Mobile.

The elections being completed, the Senate withdrew, retired to their own chamber, and Mr President resumed the chair.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have read three several times and passed a bill which originated in their House, entitled an act for the relief of Collin Bishop; in which they desire the concurrence of the Senate. They recede from their disagreement to the amendment made by the Senate to the bill entitled an act making appropriations for the payment of certain claims against the State. They have also passed bills which originated in their House entitled an act for the relief of William Jones, tax collector of Lawrence county: in which they desire the concurrence of the Senate.

A bill to be entitled an act for the relief of Collin Bishop, and an act for the relief of William Jones, tax collector of Lawrence county, were severally read the first time: and the rule requiring bills to be read on three several days being dispensed with, the bills were severally read the second and third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

And then the Senate adjourned till 8 o'clock this evening.

Eight o'clock—The Senate met.

A message from the House of Representatives by Mr Tunstall: Mr President—The House of Representatives have read three several times and passed a bill which originated in the Senate, entitled an act to enable the State of Alabama to sell and dispose of certain lands therein named.

Mr Powell, from the joint committee on enrolled bills, reported as correctly enrolled, an act to prohibit the clerks of the circuit and county courts of

Tuscaloosa county from taxing in the bill of costs a county tax on judgments rendered in favor of the Bank of the State of Alabama.

An act to incorporate the President and Trustees of the Tuscaloosa Female Academy, and for other purposes; and, an act for the relief of William Jones, tax collector of Lawrence; which were accordingly signed by Mr President.

Mr Hubbard, from the special committee to which was referred, joint memorial to Congress on the subject of reducing the minimum price of certain lands therein named, asked to be discharged from the further consideration thereof; which was agreed to.

Mr Powell, from the joint committee on enrolled bills, reported as correctly enrolled, an act for the relief of Collin Bishop; an act to enable the State of Alabama to sell and dispose of certain lands therein named; and, an act making appropriations for the payment of certain claims against the State; which were accordingly signed by Mr President.

A message from the Governor by Mr Thornton: Mr President—I am requested by the Governor to inform your honorable body, that he did this day approve and sign the following bills: an act to amend an act entitled an act to alter and amend the charter of incorporation of the city of Mobile; an act to incorporate the President and Trustees of the Tuscaloosa Female Academy; and, an act to enable the State of Alabama to sell and dispose of certain lands therein named.

Mr Bridges, from the joint committee appointed to wait on the Governor and ascertain if he has any further communication to make to the General Assembly, submitted the following report: The joint committee appointed by the two Houses to wait on his excellency the Governor, and inform him that the two Houses will be ready to adjourn *sine die* at 10 o'clock on this day, have performed that duty, and received for answer, that he has no further communication to make to either branch of the General Assembly. He requested us to present to our respective Houses his highest respects for us, as a body, and for us individually; his best wishes for our prosperity and happiness.

On motion of Mr Bridges: *Resolved*, that the House of Representatives be informed that the Senate have gone through the business before them, and are now ready to adjourn *sine die*.

A message from the House of Representatives by Mr Tunstall, their clerk: Mr President—The House of Representatives have adopted the following resolution: *Resolved*, that the clerk of this House inform the Senate that they have disposed of the business before them, and will be ready to adjourn *sine die* at 10 o'clock.

Mr Perry having been called to the chair, Mr Jackson offered the following resolution: *Resolved unanimously*, that the prompt, impartial and dignified manner in which the Hon. Samuel B. Moore has discharged his duties in presiding over our deliberations during the present session, entitles him to an expression of the approbation and respect of this Senate.

Mr President having resumed his seat, arose and addressed the Senate in the following manner:

Gentlemen of the Senate—We have approached the termination of a session somewhat necessarily protracted; we are about to separate, and return to our constituents, who delegated to us the right of sitting here as members of the most important department of their State government. To return to them with the approbation of a good conscience, is a consolation which each member had the power to obtain for himself; and I have no doubt but each one feels an innate consciousness of having discharged the

duties of his station with the zeal of an honest representative, and advocate of the rights of an honest and confiding people. But though the approbation of a good conscience be the first boon of Heaven, yet we cannot but desire that we also have the approbation of the people who gave us their confidence. To obtain this, is more difficult and uncertain ; the best motives of the heart are sometimes misconstrued, and characterized with the malignity of having proceeded from the corruptest sources ; and sometimes, that act of the statesman which is calculated to produce the best effects in social policy is misunderstood and condemned to the downfall of its author. But to him who dies faithful there is a promise of a favorable resurrection in natural life ; which is not only always true in national, but I think, generally so in political life. The right of some of us to occupy seats in this chamber, will have terminated before another regular session of the legislature ; and it is the glorious distinguishing characteristic of our government, that we have to account to our constituents for the manner in which we have discharged the trust which they have heretofore confided to us ; and it is true, unless we account to their satisfaction, we cannot expect again to obtain their suffrages. Occurrences of business may interfere, and make this our last meeting in this capacity. Death may interpose and prevent another interview in our capacity. But though this should be the termination of the last interview on earth, I am consoled in some degree, with knowing that I entertain feelings of friendship and high regard for each member of the Senate, and believe that those feelings are reciprocated ; and that they are mutual amongst themselves. I entertain unspeakable gratitude, gentlemen, for your kind indulgence to me, in the discharge of the duties of presiding officer. I acknowledge the friendly aid of your experience in the determination of questions of difficulty ; not forgetting the able and prompt assistance which I have received from Mr Secretary. And, gentlemen, accept from me feelings which I cannot express, for the introduction and unanimous adoption of a resolution approving the manner in which I have discharged the duties of the chair which I am about to leave. It is the proudest connexion of my character.

On motion of Mr Powell, the Senate adjourned without day.

SAMUEL B. MOORE,

President of the Senate.

ATTEST, F. S. LYON, Secretary of the Senate,